



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) Nos.22504 and 19841 of 2021

and

W.M.P. (MD)No.19033 of 2021

WEB COPY

Elanthirayan

...Petitioner in both petitions

vs.

The Municipality Commissioner,
Municipality Office,
Pattukkottai,
Pattukkottai-614 601.

...Respondent in both petitions

PRAYER in W.P. (MD)No.22504 of 2021: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to Na.Ka.No.1985/2021/A1, dated 06.12.2021 issued by the respondent and to quash the same and to direct the respondent re-allot shop in the name of the petitioner at Pattukkottai New Bus Stand.

PRAYER in W.P. (MD)No.19841 of 2021: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, direct the respondent to consider the representation dated 25.10.2021 and to direct the respondent not to cancel the renewed shop allotted in the name of the petitioner at Pattukkottai New Bus Stand.

In both petitions:

For Petitioner : Mr.M.Madhu Prakash

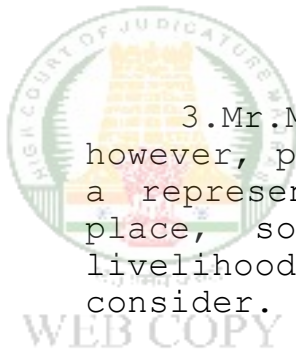
For Respondent : Mr.M.Kannan

Standing Counsel

COMMON ORDER

Both these writ petitions have been filed against the same respondent/The Municipality Commissioner, Municipality Office, Pattukkottai.

2.The petitioner had a licence to run an Aavin bunk shop in Pattukkottai New Bus Stand. Now the particular licence had been interfered with by the Aavin authorities and had been cancelled. The petitioner can, therefore, no longer sell Aavin products. The shop which the petitioner was selling the said Aavin products had also been taken possession by the respondent/Municipality Commissioner, Municipality Office, Pattukkottai on 17.12.2021. Now the petitioner has no shop and has also no licence to sell Aavin products.



3.Mr.M.Madhu Prakash, learned counsel for the petitioner, however, placed a plea that the petitioner may be permitted to file a representation before the respondent to allot a shop at any place, so that the petitioner can continue to eke out his livelihood. That is an issue which the respondent alone can consider.

4.It is also stated by Mr.M.Kannan, learned Standing Counsel for the respondent that the respondent would only auction a shop and cannot grant licence to the shops. But that is a decision which has to be informed to the petitioner.

5.An opportunity is granted to the petitioner to give necessary representation indicating the number of years, which he had been running the bunk shop at Pattukkottai New Bus Stand and thereafter, he may impress upon the respondent that he may be allotted a bunk shop at any other place. It is for the respondent to answer to such representation in manner known to law and in accordance with their principles and with their rules and regulations. The petitioner, if he so intends, may give a representation to the respondent and I am confident that the respondent would answer to the same in manner known to law and in accordance with their rules and regulations.

6.The learned counsel also stated that the petitioner's licence to run the shop is an enforce still 2024. All these facts may be considered by the respondent. It is also stated that the said allotment till 2024 has been cancelled by the respondent.

7.With the above observations, these Writ Petition stand disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

sjj

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

The Municipality Commissioner,
Municipality Office,
Pattukkottai,
Pattukkottai-614 601.

+1 CC to M/s.M. KANNAN, Advocate (SR-675[F] dated 06/01/2022)

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AP (19.01.2022) 3P 4C