



Writ Petition No.13209 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.06.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No. 13209 of 2023

D.Chandran
S/o.Late Dhanapal

...Petitioner

Vs

The Commissioner,
Edappadi Municipality,
Edappadi, Salem District – 637 101.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondent herein to consider the representation dated 08.04.2023 sent by the petitioner herein, pass appropriate order on the said representation.

For Petitioner : Mr.G.Moorthi

For Respondent : Mr.L.P.Maurya
Standing Counsel

ORDER

This writ petition has been filed for issuance of a writ of mandamus directing the respondent to consider the representation made by the petitioner on 08.04.2023 wherein the petitioner has sought for preference in



the allotment of shop in the new shops that are being constructed in the Edappadi bus stand.

2. Heard Mr.G.Moorthi, learned counsel for petitioner and Mr.L.P.Maurya, learned Standing Counsel for respondent.

3. Similar writ petitions in W.P.No.6833 of 2023 etc. batch were filed before this Court by similarly placed persons seeking for similar relief and those writ petitions were disposed of by this Court by an order dated 03.03.2023. For proper appreciation, the relevant portions in the order are extracted hereunder:

“5.Though the petitioners are inducted as a licensee, the impugned notice has been issued for vacating the building besides claiming arrears and on the ground of reconstruction.

6. The respondent also brought to the notice of G.O.Ms.No.173 dated 08.12.2022, wherein, for the purpose of construction of new bus stand complex and other facilities in various districts including the Ariyalur District, the Government has sanctioned funds for reconstruction of the shops and the petitioners being a licensee and inducted into possession subject to the conditions that shops will be taken back any time, now the petitioners cannot question the impugned orders.

7. In such a view of the matter, as the Government has already passed the Government Order sanctioning the funds for construction of the new shops, the petitioners cannot question the



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same. At the most, after reconstruction, the name of the petitioners shall be considered on preferential basis for allotment.

8. At this juncture, the learned counsel appearing for the petitioners, submitted that since there are empty shops available in the place in question, the request of the petitioners may be considered for re-occupation subject to clearing the arrears of lease amounts within a week's time from the date of receipt of a copy of this order.

9. It is needless to mention that if the petitioners clear the entire arrears of lease amount within a period of one week, from the date of receipt of a copy of this order, subject to availability of any shop in the bus stand area in question, the request of the petitioners will be considered by the second respondent on humanitarian grounds. It is also submitted before this Court that the petitioner will vacate the premises within 15.03.2023.”

4. Learned Standing Counsel appearing on behalf of the respondent Municipality submitted that the only variation in this case pertains to the Government order and in the instant case, G.O.Ms.No.28, Municipal Administration and Water Supply (MA.IV) Department, dated 22.02.2023 will apply.

5. It is brought to the notice of this Court that the petitioner has already vacated the premises and handed over the same to the respondent municipality. In the light of the above, if the petitioner has any arrears



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N.ANAND VENKATESH, J

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towards the lease amount, the same shall be cleared within a period of one week. Subject to availability of shop in the new bus stand area, the request of the petitioner will be considered by the respondent on humanitarian ground.

This writ petition is disposed of in the above terms. No costs.

01.06.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
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To

The Commissioner,
Edappadi Municipality,
Edappadi, Salem District – 637 101.

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