



WEB COPY



W.P.No.18918 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.18918 of 2023
and W.M.P.No.18151 of 2023

M.Kannan

...Petitioner

Vs

1. The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat, Fort St. George,
Chennai – 600 009.
2. The District Collector,
Salem District, Salem – 1.
3. The Commissioner,
Mettur Municipality,
Mettur Dam – 1,
Salem District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned notice dated 25.05.2023 made in Na.Ka.No.1395/2023/Aa2 issued by the 3rd respondent and quash the same, consequently direct the third respondent to grant the extension of



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time as well as re-allotment of shops by considering the representation of the petitioner dated 29.05.2023.

For Petitioner : Mr.M.R.Jothimanian
For Respondents : Mr.C.Selvaraj
Additional Govt. Pleader [R1 & R2]

ORDER

This writ petition has been filed challenging the impugned notice dated 25.05.2023 issued by the third respondent and for a consequential direction to the third respondent to grant extension of time and for re-allotment of the shop by considering the representation made by the petitioner on 29.05.2023.

2. When the matter came up for admission on 26.06.2023, the learned Additional Government Pleader took notice and sought for some time to take instructions from the respondents. Accordingly, the matter was posted for hearing today.

3. The learned Additional Government Pleader, on instructions, submitted that even when the shop was given on lease to the petitioner, the petitioner had specifically agreed that the shop will be vacated and



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handed over as and when required by the Municipality. That apart, all others have vacated their shops except the petitioner. The learned Additional Government Pleader further submitted that insofar as the re-allotment is concerned, the Municipality will strictly go by the Government Orders, which provides for leasing/licensing the shops.

4. In the considered view of this Court, there is no reason to interfere with the impugned notice dated 25.05.2023 issued by the third respondent. However, considering the fact that the petitioner has been running the shop for quite a long time and also considering the fact that the period of license was upto 31.03.2025, the petitioner is granted three months time to vacate and hand over the shop to the third respondent. If the petitioner does not hand over the possession of the shop within the time stipulated by this Court, it is left open to the third respondent to initiate steps to take possession of the shop. Insofar as the re-allotment is concerned, the respondents will strictly go by the terms of the Government Orders that governs the allotment of shops through license or lease. Except giving this protection, no further orders can be passed in this writ petition.



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N.ANAND VENKATESH,J.

Mp

In the result, this writ petition is disposed of in above terms. No costs. Connected miscellaneous petition is closed.

30.06.2023

Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation:Yes/No

mp

To

1. The Principal Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat, Fort St. George,
Chennai – 600 009.
2. The District Collector,
Salem District, Salem – 1.
3. The Commissioner,
Mettur Municipality,
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