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W.P. No. 30599 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 30599 of 2023

and

W.M.P. Nos. 30243 and 30244 of 2023

Sumathy

... Petitioner

-VS-

1. The Commissioner,
Office of the Namakkal Municipality,
Namakkal Town,
Namakkal District.

2. Arulmozhi

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned order passed by the First Respondent through Proceedings in Na. Ka. No. 3427/2023/A2 dated 11.10.2023 and quash the same insofar as eviction from the shop is concerned and consequently direct the First Respondent to grant lease in favour of the Petitioner in light of the G.O. Ms. No. 92, Municipal Administration and Water Supplies Department dated 03.07.2007 by considering the representations dated 14.06.2023 and 21.08.2023 given by the Petitioner and in light of the order passed by this Court in W.P. No. 23212 of 2023 dated 08.08.2023.



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For Petitioner : Mr. S.Senthil
For Respondents : Mr. M.Raja Mathivanan,
Standing Counsel (for R1)

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ORDER

Heard S.Senthil, Learned Counsel for the Petitioner and Mr. M.Raja Mathivanan, Learned Standing Counsel appearing for the First Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. Having regard to the nature of order proposed to be passed in the Writ Petition, which would not cause any prejudice to the Second Respondent, notice to him is dispensed with.

3. It is the case of the Petitioner that Shop No. 051/159 in the bus stand at Namakkal belonging to the First Respondent had been granted on lease to the husband of the Second Respondent, viz., Thiru. Sargunam in the year 1986, but it had been actually occupied by the husband of the Petitioner, viz., Thiru. N.P.Arumugam till his demise on 25.11.2018 and thereafter, the Petitioner and her younger son viz., Thiru. Shanmugam have continued to occupy the said



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shop for selling flowers. Inasmuch as the First Respondent by Proceedings in Na. Ka. No. 3427/2023/A2 dated 11.10.2023 has called upon the Petitioner to vacate and hand over possession of the said shop, which is in her unlawful occupation, within three days from the date of its receipt, the Petitioner has assailed the same in this Writ Petition.

4. However, the Petitioner had during the earlier hearing on 20.10.2023 filed an affidavit of undertaking to vacate and hand over possession of the said shop to the First Respondent by 30.11.2023 and the matter has been listed for reporting compliance.

5. It is informed today that the Petitioner has vacated and handed over possession of that shop to the First Respondent. It is represented by Learned Counsel for the First Respondent, on instructions, that the public auction for fresh lease of that shop would be conducted within a period of one month from the date of receipt of a copy of this order and he has made an endorsement to that effect in the court record.

6. In such circumstances, nothing remains for further consideration in the Writ Petition. It is needless to clarify here that if the Petitioner is eligible and



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not disqualified, she shall not be precluded from participating in the fresh auction of that shop conducted by the First Respondent.

In the result, the Writ Petition is disposed with the aforesaid observations. Consequently, the connected Miscellaneous Petitions are closed.
No costs.

01.12.2023

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 14.02.2024.

vjt

To

The Commissioner,
Office of the Namakkal Municipality,
Namakkal Town,
Namakkal District.



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P.D. AUDIKESAVALU, J.

vjt

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