



WEB COPY



W.P.Nos.12070 of 2024 etc batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

**W.P.Nos. 12070, 12072, 12074, 12077, 12079,
12080, 12082, 12085, 12086 of 2024**

W.P.No.12070 of 2024

Iyyappan

Vs

.... Petitioner

The Commissioner,
Erode Municipal Corporation,
894, Brough Road,
Erode – 638 001.

.... Respondent

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the respondent to hand over possession of Shop No.20 situated at RKV Salai Daily Market, Erode to the petitioner by considering the petitioner's representation dated 03.04.2024.

In all W.Ps

For Petitioners : Mr.J.Titus Enock
For Respondent : Mr.M.Rajamathivanan
Standing Counsel

COMMON ORDER

These Writ Petitions have been filed for a direction, directing the respondents to consider the representation submitted by the petitioner



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seeking handover possession of their respective shops situated at RKV Salai Daily Market, Erode.

2. Heard the learned counsel appearing on either side and perused the material available on record.

3. The petitioners participated in the public auction for their shops in the RKV Salai Daily Market at Erode. The petitioners were the highest bidders and they were allotted their respective shops. The lease period between 01.04.2018 and 31.03.2021. The petitioners had deposited their auction deposit and also paid a one year lease amount as a lease deposit. Subsequently, the petitioners were paying rent. After the lease period, the petitioners were not handed over the possession of the shop. Therefore, the petitioners were constrained to suffer financial loss, apart from mental agony. Therefore, the petitioner submitted representation to handover th shops to do their business.

4. A perusal of the counter filed by the respondent reveals that the petitioners had initially participated in the public auction for allotting vacant site for running their vegetable shops. During



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COVID-19 pandemic circumstances in order to fulfill their demand, they were allotted shops in V.O.C.Park Vegetable Shops. The lease period has expired as on 31.03.2021. Thereafter, no rent has been paid by the petitioners. Therefore, the petitioners are not entitled for any new shops. The intention of the petitioners is to get a shop in the RKV Salai Daily Market under Smart City Scheme in the newly constructed shopping complex.

5. In view of the above, the representation submitted by the petitioner cannot be considered. Thus the writ petition lacks merits and it is liable to be dismissed. Accordingly, this writ petition stands dismissed. No costs.

09.08.2024

Internet : Yes
Index : Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
Lpp

To

The Commissioner,
Erode Municipal Corporation,
894, Brough Road,
Erode – 638 001.



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G.K.ILANTHIRAIYAN, J.

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