



WEB COPY



W.P.No.31683 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

**W.P.No.31683 of 2024**

V.Dhivya

... Petitioner

-Vs-

The Commissioner,  
The Attur Municipality,  
Office Of Attur Municipality,  
Attur, Salem District.

... Respondent

**Prayer :** Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, to consider and pass orders on Petitioner's Representation dated 24.08.2024 in respect of providing preferential right and priority in allotment of the new shops constructed in lieu of demolition and reconstruction of old shops including the old shop no.7 allotted to petitioner by the Respondent Municipality and situated adjacent to the entrance of Kamarajar Attur municipality new bus Stand, within the time that may be fixed by this Honble Court.

For Petitioner : Mr.R.Nandhakumar  
For Respondent : Mr.L.P.Maurya  
Standing Counsel

**ORDER**



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This writ petition has been filed for direction directing the respondent to consider the representation submitted by the petitioner dated 24.08.2024 seeking preference and priority in allotment of new shops constructed in lieu of demolition and reconstruction of old shops.

2. Heard both sides and perused the materials available on record.

3. Originally, the petitioner was allotted Shop No.7 and leased out in favour of the petitioner's husband in the year 1987. There are totally 20 shops. The lease period was periodically renewed. Finally, the lease period was renewed in the year 2017 for a period of three years and also enhanced rent including deposit. Thereafter, on 19.02.2020, the lease was further extended till 31.03.2023. Thereafter, in order to construct new shops, the petitioner was evicted and new shops are now constructed at Kamarajar Attur Municipality New Bus Stand. Therefore, the petitioner submitted a representation to give preferential right and priority while considering the allotment of new shops.

4. On instructions, the learned Standing Counsel appearing for the respondent submitted that no preferential right can be given to anybody, they



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will have to participate in the open auction tender. At the time of opening the tender, whoever is the highest bidder, they will be allotted shops. Therefore, no preference can be given to the petitioner who was being an earlier allottee. However, the amount if any deposited by the petitioner is lying with the respondent, it will be reimbursed in accordance with law or it will be adjusted if the petitioner is allotted any new shop towards the deposit.

5. In view of the above, the petitioner is permitted to participate in the tender to be floated by the respondent for the newly constructed Shops situated at Kamarajar Attur municipality new bus Stand.

6. With the above directions, this writ petition is disposed of. There shall be no order as to costs.

28.10.2024  
( $\frac{1}{2}$ )

Internet: Yes  
Index : Yes/No  
Speaking/Non Speaking order  
Neutral Citation : Yes/No  
mn

**G.K.ILANTHIRAIYAN. J.**

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To  
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The Attur Municipality,  
Office Of Attur Municipality,  
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