



W.P.(MD)No.25938 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.10.2024

CORAM

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.25938 of 2024

S.Kani Mohammed

: Petitioner

Vs.

1.The Commissioner of Municipal Administration,
Municipal Administration Department,
No.75, Santhome High Road,
M.R.C. Nagar,
Raja Annamalaipuram,
Chennai – 600 028.

2.The Regional Director of Municipal Administration,
Madurai Region,
Madurai – 625 016.

3.The Commissioner,
Melur Municipality, Melur,
Madurai District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the third



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respondent to allot the Shop No.13 or any other shop put up by the third respondent in the Melur Municipality Daily Market premises for lease by considering the proceedings of the third respondent in Na.Ka.No.591/2021/A2 dated 30.12.2022 and the Government Order in G.O.(2D) No.66, Municipal Administration and Water Supply (MA.4) Department dated 06.08.2024 within the time frame as fixed by this Court.

For Petitioner : Mr.A.Sheik Nasurdeen
For Respondents 1&2 : Mr.A.Kannan
Additional Government Pleader
For Respondent No.3 : Mr.Veera Kathiravan
Additional Advocate General
Assisted by Mr.A.Pandiyarajan
Standing Counsel

ORDER

This Writ Petition has been filed for a Mandamus seeking for a direction to the third respondent to allot Shop No.13 or any other shop put up by the third respondent in the Melur Municipality Daily Market premises for lease by considering the proceedings of the third respondent dated 30.12.2022 and the Government Order in G.O.(2D) No.66, Municipal Administration and Water Supply (MA.4) Department dated 06.08.2024, within a time frame to be fixed by this Court.



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2.The petitioner claims that he was an earlier allottee of a shop in the aforementioned Melur Municipality Daily Market premises. He claims that he was assured of the allotment of a shop in the new building subsequent to its demolition. The petitioner contends that despite the said assurance, he has not been allotted a shop in the new building. The petitioner also relies upon the proceedings of the third respondent dated 30.12.2022 and the Government Order in G.O.(2D) No.66, Municipal Administration and Water Supply (MA.4) Department dated 06.08.2024 and would claim that as per the said proceedings, the petitioner is entitled for allotment of a shop in the new building. The petitioner also claims that he has submitted an application on 06.09.2024 in accordance with the aforementioned proceedings with the third respondent. But according to the petitioner, no final orders have been passed. Under those circumstances, this Writ Petition has been filed. The petitioner also claims that he has raised objections to the show cause notice sent by the third respondent Municipality.

3.Mr.A.Pandiyarajan, learned Standing Counsel accepts notice on behalf of the third respondent Municipality and he is lead by Mr.Veera Kathiravan, learned Additional Advocate General.



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4.No prejudice will be caused to the respondents if the petitioner's application seeking allotment of a shop in the Melur Municipality Daily Market premises is considered on merits and in accordance with law, after giving due consideration to the proceedings of the third respondent dated 30.12.2022 and the Government Order in G.O.(2D) No.66, Municipal Administration and Water Supply (MA.4) Department dated 06.08.2024 as well as the objections sent by the petitioner to the show cause notice sent by the third respondent within a time frame to be fixed by this Court.

5.At this stage, this Court is not expressing any opinion on the merits of the petitioner's application.

6.For the foregoing reasons, this Court directs the third respondent to pass final orders on the petitioner's application dated 06.09.2024, seeking for allotment of a shop in Melur Municipality Daily Market premises on lease, after giving due consideration to the proceedings of the third respondent dated 30.12.2022 and the Government Order in G.O.(2D) No.66, Municipal Administration and Water Supply (MA.4) Department dated 06.08.2024 as well as the objections raised by the petitioner in respect of the show cause



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notice issued by the third respondent within a period of twelve [12]
weeks from the date of receipt of a copy of this order.

7. With the above directions, this Writ petition stands
disposed of. There shall be no order as to costs.

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Index : Yes / No

Internet : Yes / No

NCC : Yes/No

MR



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ABDUL QUDDHOSE, J.

MR

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