



W.P.(MD)No.27478 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **15.11.2024**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD)No.27478 of 2024

S.Nagarajan

... Petitioner

Vs.

1.The Commissioner,
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 for issuance of a Writ of Mandamus directing the respondents particularly the 3rd respondent herein to allot Shop No.4 situated at the Bus Stand Melur which was put up by the 3rd respondent Municipality in favour of the Petitioner on lease / tenancy basis in the light of the Government Order in G.O.(2D) No.66, Municipal Administration and Water Supply Department dated 06.08.2024 by



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considering the petitioner's representation dated 24.09.2024 within the time stipulated by this Court.

For Petitioner : Mr.P.Mahedran
For Respondents : Mr.Veerakathiravan
Additional Advocate General
Assisted by
Mr.A.Pandiarajan
Standing Counsel

ORDER

Mr.Veerakathiravan, learned Additional Advocate General, assisted by Mr.A.Pandiarajan, learned Standing Counsel takes notice for the respondents. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2. The prayer in the Writ Petition reads as follows:-

“To issue a Writ of Mandamus, directing the respondents particularly the 3rd respondent herein to allot Shop No.4 situated at the Bus Stand Melur which was put up by the 3rd respondent Municipality in favour of the Petitioner on lease / tenancy basis in the light of the Government Order in G.O.(2D) No.66, Municipal



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Administration and Water Supply Department dated 06.08.2024 by considering the petitioner's representation dated 24.09.2024 within the time stipulated by this Court.”

3. Heard the learned counsel on both sides and carefully perused the entire materials available on record.

4. During the year 2004, the petitioner participated in the tender process conducted by the third respondent Municipality for allotment of shops at Melur Busstand Shopping Complex. The petitioner was allotted with Shop No.4 by the third respondent by order dated 09.09.2024 subject to certain terms and conditions. The petitioner continued to be the licensee by paying rent regularly without any default and his licence for running the shop has been periodically renewed from time to time. The last lease period was for the period from 01.04.2022 to 31.03.2025 with respect to Shop No.4 by order dated 20.07.2022. Now, the third respondent Municipality has re-constructed new shopping complex in the same busstand. Therefore, the petitioner has made an application for tender.

5. In the meanwhile, even before expiry of the lease period, the existing shops, where the petitioner was running his business were demolished on the



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acceptance by the Municipality that on reconstruction of the shopping complex, the petitioner and other licensees would be allotted their respective shops, since the lease period has not expired. However, after reconstruction of the shopping complex, nothing in this regard has been decided by the third respondent Municipality. The petitioner apprehends that without allotting the shop for the petitioner in terms of the acceptance given by the third respondent, the third respondent may proceed with the tender process. Therefore, the petitioner made a representation dated 24.09.2024 to the respondents seeking to allot shop No.4 in the newly constructed shopping complex to him. Since the same has not been considered till date, this writ petition came to be filed.

6. The learned counsel appearing for the petitioner, by relying upon the Government Order in G.O.(2D)No.66, Municipal Administration & Water Supply Department, dated 06.08.2024, submitted that the petitioner is continuously in possession of the said shop for more than 18 years, without any break, without any sub-lease and without any default of rent and therefore, he is entitled for allotment of the very same shop in terms of the aforesaid Government Order. Hence, the persons like the petitioner should be considered for re-allotment during tender.



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7. The learned Additional Advocate General appearing for the respondents, on instructions submitted that the matter has already been covered by the order of this Court passed in WP(MD)No.25940 of 2024 dated 28.10.2024 and the same directions issued by this Court in the aforesaid order will be adopted by the third respondent Municipality. The relevant portion of the order reads as follows:-

“6.For the foregoing reasons, this Court directs the third respondent to pass final orders on the petitioner's representation dated 21.10.2024, seeking for allotment of a shop in Melur Municipality Daily Market premises on lease, after giving due consideration to 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 notice issued by the third respondent within a period of twelve [12] weeks from the date of receipt of a copy of this order.”

8. Fully fortified by the aforesaid order, this Court directs the respondents to pass orders on the petitioner's representation dated 24.09.2024 seeking for allotment of shop No.4 in the newly constructed shopping complex at Melur busstand by the third respondent Municipality, after giving due consideration to G.O.(2D)No.66, Municipal Administration & Water Supply Department, dated 06.08.2024, within a period of four weeks from the date of receipt of copy of this order.



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9. With the above direction, the Writ Petition stands disposed of. There shall be no order as to costs.

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NCC : Yes / No
Index : Yes / No
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TO:-

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L.VICTORIA GOWRI, J.

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Order made in
W.P.(MD)No.27478 of 2024

Dated
15.11.2024