



**W.P.(MD) No.28985 of 2023**

**WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 04.01.2024**

**CORAM:**

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR  
and  
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P.(MD) No.28985 of 2023**

S.Balamurugan

... Petitioner

-VS-

The Commissioner,  
Madurai Corporation,  
Madurai.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondent to issue preference acknowledgment receipt to the petitioner for the shop allotment at new commercial complex at Periyar Bus Plaza by considering the petitioner's representation dated 24.06.2022.

For Petitioner : Mr.S.I.Muthiah  
for Mr.R.Varatharajan

For Respondent : Mr.P.Anbunidhi  
Standing Counsel



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**ORDER**

**[Order of the Court was made by D.KRISHNAKUMAR, J.]**

The Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondent to issue preference acknowledgment receipt to the petitioner for the shop allotment at new commercial complex at Periyar Bus Plaza by considering the petitioner's representation dated 24.06.2022.

2. By consent of both sides, the Writ Petition itself is taken up for final disposal at the time of admission itself.

3. According to the Writ Petitioner, he has submitted an undertaking affidavit on 10.01.2019, which is beyond the cut of date as fixed by the respondent Corporation. The petitioner also cleared all the arrears by 13.11.2018 and there is delay in submitting his undertaking letter and therefore, the respondent has not considered for identifying the alternative place for issuing preference certificate for shop allotment at the new complex at Periyar Bus Plaza.



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4. The learned counsel appearing for the respondent Corporation clarified that the Writ Petitioner has surrendered the shop to the respondent Corporation before the cut of date, but has filed the undertaking affidavit beyond the cut of date i.e., on 10.01.2019. Therefore, his request was not considered for placing him in the priority category.

5. Now, it has been clarified that the shop has already been surrendered to the respondent Corporation before the cut of date as fixed by the respondent Corporation. The only reason for not considering him under the priority category is that he has not submitted the undertaking affidavit on or before the cut of date.

6. Therefore, accepting the case of the petitioner, the respondent Corporation is directed to issue preference Certificate to the petitioner for priority allotment under new commercial complex at Periyar Bus Plaza.



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7. With the above said directions, the Writ Petition stands disposed of. No costs.

**[D.K.K., J.] [R.V., J.]**  
**04.01.2024**

Index : Yes / No  
Internet : Yes / No  
SJ



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**and**  
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