



W.P.No.39370 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2025

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CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.39370 of 2024
and W.M.P.No.42645 of 2024

- 1.B.Kamatchi
- 2.C.Duraisamy
- 3.Balachandran
- 4.Duraisamy
- 5.Santhanakrishnan
- 6.Boopathi Rajan
- 7.K.Perumal
- 8.Krishnaveni
- 9.K.Kumaran

... Petitioners

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat, Fort St.George, Chennai – 600 009.
- 2.The Commissioner,
Mettur Municipality, Mettur Dam – 1,
Salem District.

... Respondents



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Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorarified Mandamus calling for the entire records relating to the impugned order passed by the second respondent in his proceedings Na.Ka.No.3017/2024/A2, dated 21.11.2024 and quash the same and consequently directing the respondents to re-allot the shops to the petitioners in Shop Nos.42, 43, 44, 45, 46, 47, 48 and 49 in Mettur Bus Stand, Mettur by taking note of the order passed by this Court in W.A.No.771 of 2016, dated 01.09.2016.

For Petitioner : Mr.C.Prakasam

For Respondent 1 : Mr.M.S.Prem Kumar,
Government Advocate

For Respondent 2 : Mr.Lourdu Paul Maurya,
Standing Counsel

ORDER

This writ petition has been filed by the petitioner to call for the entire records relating to the impugned order passed by the second respondent in his proceedings Na.Ka.No.3017/2024/A2, dated 21.11.2024 and quash the same and consequently directing the respondents to re-allot the shops to the petitioners in Shop Nos.42, 43, 44, 45, 46, 47, 48 and 49 in Mettur Bus

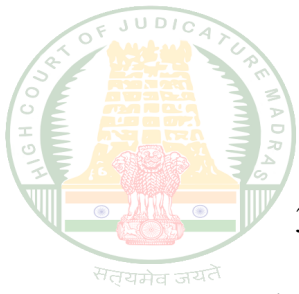


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Stand, Mettur by taking note of the order passed by this Court in W.A.No.771 of 2016, dated 01.09.2016.

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2. Learned counsel for the petitioners submitted that in the year 2022, the lease period of the shops was renewed up to 31.03.2025, and the petitioners paid the enhanced rent and advance amounts without any arrears. However, in June–July 2023, the second respondent instructed the petitioners to vacate the shops to facilitate the construction of a new shopping complex at Mettur Bus Stand, where earlier 43 shops were functioning and 70 shops were proposed to be constructed. Based on the assurance that the shops would be re-allotted after construction, the petitioners vacated the premises. Upon completion of complex work, the petitioners requested re-allotment, but the second respondent issued a notification vide Na.Ka.No. 3017/2024/A2 dated 21.11.2024 for public auction of the shops with exorbitant rent and deposit requirements, disregarding the petitioners' earlier allotment and payments. Aggrieved over the same, the petitioners have come forward with the present writ petition.



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3. Learned counsel for the petitioners submitted that this permission may be granted to the petitioners for making representation before the second respondent with regard to the refund of rent amount, which was paid by the petitioners.

4. Learned standing counsel appearing for the second respondent relied on the judgment passed by the Division Bench of this Court in W.A.No.143 of 2025 dated 20.02.2025. For better appreciation, the relevant paragraphs of the judgment are extracted hereunder:

“15. In the considered opinion of this Court, question of re-allotment would not arise in the present case. Once the lessee vacated the premises and surrendered the shop to the Municipality, the lease came to be determined under the provisions of the Transfer of Property Act. Therefore, the claim of the respondents that the elase period still exists would be of no assistance to them to secure re-allotment in the newly constructed building. Once the lease determined thereafter, the lessees have no right to claim re-allotment bu they have to participate in the public auction to be conducted.

16. In the present case, the respondents' erstwhile lessees have no right to claim re-allotment but they are at liberty to participate in the public auction to be conducted. Thus, the



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direction granted by the writ Court providing priority for re-allotment is running counter to the principles of law. Thus the writ order is partly confirmed by setting aside the direction, granting priority to the respondents 1 to 7, which is running counter to the principles of law. However, the respondents 1 to 7 are at liberty to participate in the open auction to be conducted by the Municipality by following the due procedures and in accordance with law. The learned counsel for the respondents would submit that the lease amount in excess is lying with the Municipality. If so, the respondents are at liberty to approach the Municipality seeking refund of the said amount.”

5. Heard the learned counsel on either side and perused the materials available on record.

6. In view of the submission made by the learned counsel on either side and in the light of the judgment passed by the Division Bench of this Court in W.A.No.143 of 2025, dated 20.02.2025, the following directions are issued by the Court:

(i) The petitioners are directed to give an application/representation before the second respondent seeking refund of the rent amount paid by



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them, within a period of two weeks from the date of receipt of a copy of this order;

(ii) On such receipt, the second respondent is directed to consider the same on merits, in accordance with and pass appropriate orders within a period of four weeks thereof;

(iii) The petitioners are at liberty to participate in the public auction to be conducted by the respondents.

7. This writ petition is disposed of with the aforesaid observation and directions. No costs. Consequently, connected miscellaneous petition is also closed.

18.03.2025

(vm)

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

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Rep. by its Principal Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat, Fort St.George, Chennai – 600 009.

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2.The Commissioner,
Mettur Municipality, Mettur Dam – 1,
Salem District.

J.SATHYA NARAYANA PRASAD,J.

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