



WEB COPY

WP No. 43499 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-11-2025

CORAM

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

WP No. 43499 of 2025

Mr.V.W.Farooka Basha

..Petitioner(s)

Vs

1. The Commissioner,
Vellore Corporation,
Vellore District.Vellore
2. The Assistant Commissioner,
Vellore Corporation,
Vellore District.

..Respondent(s)

Prayer: Writ petition filed under Article 226 of Constitution of India seeking a writ of Mandanum to direct the respondents to consider the petitioners representation dated 10.10.2025 and thereby direct the respondents to allot the Shop No.8, Commercial Complex Building, Old Bus Stand, Vellore in the name of petitioner and pass such further or other orders as this Honble Court may deemed fit and proper and thus render justice.

For Petitioner(s): Ms. Manisha
for Mr.B.Sundarapandiyan

For Respondent(s): Mr.P.S.Prabhu
Standing Counsel

ORDER

Mr.P.S.Prabhu, learned counsel takes notice for the respondents.



2. The petitioner seeks a direction to the respondents to allot shop No.8, situated in the Vellore City Commercial Complex building, Old Bus stand, Vellore, in the name of the petitioner.

3. A reading of the affidavit shows that one V.K.Mohammed Ziauddin was the original leasee. He was running a sweetmeat shop under the name and style of 'Babu Sweet Stall'. The petitioner was associated with the said Ziauddin as an employee. I should point out here that the petitioner claims Ziauddin to be his uncle. Ziauddin passed away on 18.04.2015. He left behind his wife Noorisha, and son Dhiyavul Rahman as his legal heirs. The legal heirs have not continued the business. The petitioner alleges that he paid a sum of Rs.5,00,000/- to the wife and son of Ziauddin and has been continuing in occupation of the shop.

4. The petitioner claims that, since he is in occupation and came to be aware that there are rental arrears, he approached the respondents to find out the arrears owed to the Corporation and also for allotment of the shop in his name. Since it was not considered, the petitioner is before this Court.

5. Ms.Manisha appearing on behalf of Mr.B.Sundarapandiyan for the petitioner, pleads that the petitioner is not in wrongful possession of the property, but had been working with Ziauddin and thereafter, paid a sum of Rs.5,00,000/- to his legal heirs to continue in possession.



6. I am afraid that such submission is absolutely untenable. There cannot be a private arrangement with respect to the shop belonging to a public authority. Admittedly, the petitioner is not a legal heir of Ziavuddin. Hence, the G.O. which applies to a legal heir to continue in possession of the property, does not apply to the petitioner. The Corporation has been keeping quiet since 2015 and has not bothered itself to collect the arrears. The entire issue has arisen only because the petitioner, on his own accord, had gone to the Corporation to find out the arrears.

**V.LAKSHMINARAYANAN J.**

7. Be that as it may, as the petitioner has no legal right to seek allotment in his favour, I am not inclined to give a direction that Ms.Manisha seeks for. The writ petition is dismissed. No costs. The dismissal of the writ petition will not stand in the way of the petitioner to participate in an auction with respect to the shop, in case, the Corporation finally wakes up and decides to bring the shop for an auction.

14-11-2025

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

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Vellore Corporation,
Vellore District.Vellore
2. The Assistant Commissioner,
Vellore Corporation,
Vellore District.

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