



W.P.(MD)No.6369 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.6369 of 2025
and
WMP (MD) No.4685 of 2025

M.Raja Amuthan

: Petitioner

Vs.

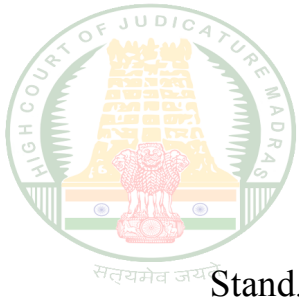
1. The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Municipal Administration
and Water Supply Department,
Fort St.George,
Chennai 600 009.

2. The Regional Director of Municipal Administration,
Sivagangai District,
Sivagangai.

3. The Commissioner,
Sivagangai Municipality,
Sivagangai.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the third respondent to issue license / lease in favour of the petitioner for the Municipal Shop New Number 14, Old Number 4, situates at Sivagngai Municipal Bus



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Stand, Sivaganai by re-alloting the said shop as per the Government Order of the first respondent dated 06.08.2024 in G.O. (2pa) No.66 Municipal Administration and Water Supply Department without insisting any security deposit afresh by considering the representation of the petitioner dated 03.03.2025 within a specific period that may be fixed by this Hon'ble Court.

For Petitioners : Mr. A.Mohan

For Respondents : Mr.K.S.Selvaganesan

Addl. Govt. Pleader for R1 and R2

ORDER

This Writ Petition has been filed seeking a direction to the third respondent to issue a license/lease in favour of the petitioner for Municipal Shop New Number 14, Old Number 4, located at Sivagangai Municipal Bus Stand, Sivagangai, by re-allotting the said shop as per the Government Order of the first respondent dated 06.08.2024 in G.O. (2pa) No. 66, Municipal Administration and Water Supply Department, without insisting on any fresh security deposit, and to consider the petitioner's representation dated 03.03.2025 within a specified time frame.



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2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader, appearing on behalf of respondents 1 and 2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself. Having regard to the nature of the order proposed to be passed in this writ petition, notice to the third respondent is dispensed with.

3. The petitioner states that the Municipal Administration Department granted approval for renovation works at Sivagangai Bus Stand. In order to facilitate the renovation, the third respondent requested the petitioner to vacate the shop until the completion of the renovation works. Subsequently, a public auction was announced in a daily newspaper on 26.02.2025, scheduled for 13.03.2025, for 18 newly constructed shops, with priority to be given to the existing shopkeepers. The petitioner asserts that, in accordance with G.O.(2Pa) No. 66, Municipal Administration and Water Supply Department, dated 06.08.2024, priority should be extended to the petitioner, who already holds a lease. The petitioner submitted a representation to the third respondent, requesting the re-allotment of the shop in line with the provisions of the Government Order. However, in the absence of any



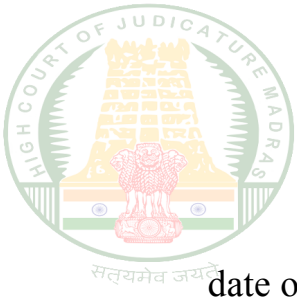
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response, the petitioner has filed the present Writ Petition.

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4. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.

5. In the light of the above observations, there shall be a direction to the second respondent to consider the petitioner's representation dated 03.03.2025 in line with the provisions of the Government Order in G.O.(2Pa) No. 66, Municipal Administration and Water Supply Department, dated 06.08.2024 and pass appropriate orders on its own merits and in accordance with law, after giving due opportunity to the petitioner, as well as all other persons, who may be interested in the subject matter, within a period of four weeks from the



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date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the second respondent to consider the same on its own merits.

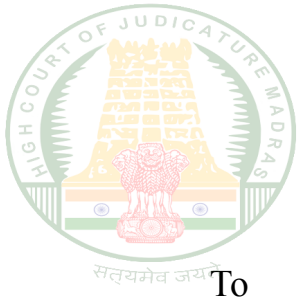
6. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

11.03.2025

Index : Yes / No

Internet : Yes / No

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VIVEK KUMAR SINGH, J.

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