



WEB COPY

WP No. 612 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-02-2026

CORAM

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

WP No. 612 of 2026

R.Saravanan

S/o. M.Ravi,

No. 37 and 38 , Attur bus Stand,

Attur,

Salem district

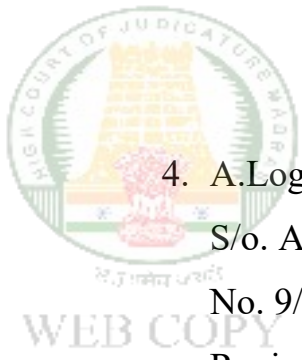
..Petitioner(s)

Vs

1. The Commissioner
of Municipal Administration,
Urban Administrative Building,
MRC Nagar, Santhome High Road,
Raja Annamalaipuram,
Chennai 28.

2. The District Collector
Salem district,
Salem.

3. The Commissioner
Attur Municipality,
Attur



4. A.Loganathan
S/o. Athineri,
No. 9/37 Pillaiyar koil street,
Ranipet, Attur town,
Salem district

5. A.Fathima
W/o. Ajmal Sheriff,
No. 19/7 Siva Guru Street,
Attur Town,
Salem district

..Respondent(s)

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to direct the 1st and 3rd respondents to conduct public auction for Shop Nos. 37 and 38 situated at Attur Bus Stand, Attur, Salem District and not to disturb with the petitioners peaceful possession and occupation of the shop Nos. 37 and 38 till the completion of the public auction by considering the petitioners representation dated 03.01.2026.

For Petitioner(s): R.Jayaprakash

For Respondent(s): Dr.T.Seenivasan Spl.Gp For R1 And R3
Mr.L.S.M.Hasan Fizal,
Additional Government Pleader For R2
Mr.M.P.Rajavelayutham for R4
Mr.S.Duraisamy for Mr.V.Elangovan, For R5



ORDER

After I heard Mr.R.Jayaprakash, learned counsel for the petitioner, Dr.T.Seenivasan, learned Special Government Pleader for respondents 1 and 3, Mr.L.S.M. Hasan Fizal, learned Additional Government Pleader for 2nd respondent, Mr.Rajavelayudham, learned counsel for 4th respondent and Mr.S.Duraisamy, learned counsel for the 5th respondent, I informed Mr.R.Jayaprakash that shop nos.37 and 38 have been allotted to the 5th respondent and hence, he cannot claim any right to continue in possession of the property. Mr.Jayaprakash claimed that the original lessee was the 4th respondent viz., .Mr.A.Loganathan and it was from him, that he had taken possession of shop nos. 37 and 38.

2. Mr.S.Duraisamy pointed out that Mr.Loganathan had approached the 5th respondent to take over the shop nos.37 and 38. The 5th respondent agreed to the same. Accepting the proposal of Mr.Loganathan and Ms.Fathima, the 3rd respondent had transferred the lease in favour of Ms.Fathima. Therefore, shop nos.37 and 38 are to be rightfully enjoyed by the 5th respondent alone and not by the writ petitioner, who is an unauthorised occupant, at best.

3. Mr.Jayaprakash pleaded that the petitioner has been doing business in the said area for several years and hence, he sought time to vacate and hand over possession. He stated that the petitioner will file an affidavit of undertaking.



4. When I called the matter today, Mr.M.Venkatesh representing Mr.R.Jayaprakash filed an undertaking affidavit. The same is scanned and extracted hereunder:

**IN THE HIGH COURT OF JUDICATURE AT MADRAS
(SPECIAL ORIGINAL JURISDICTION)**

W.P.No. 612 OF 2026

R. Saravanan, M/42,
Son of M. Ravi,
No. 37 & 38, Attur Bus Stand,
Attur,
Salem District.

... Petitioner

-Vs-

1. The Commissioner of Municipal Administration,
Urban Administrative Building,
MRC Nagar, Santhome High Road,
Raja Annamalai Puram,
Chennai -600 028.

2. The District Collector,
Salem District,
Salem.

3. The Commissioner,
Attur Municipality,
Attur.

4. A. Loganathan,
Son of Athineri,
No. 9/37, Pillaiyar Koil Street,
Ranipet, Attur Town,
Salem District.

5. A. Fathima,
Wife of Ajmal Sheriff,
No. 19/7, Siva Guru Street,
Attur Town,
Salem District.

... Respondents

UNDERTAKING AFFIDAVIT OF R. SARAVANAN

I, R. Saravanan, Son of M. Ravi, Hindu, Male, aged about 42 years, having shop No. 37 & 38, Attur Bus Stand, Attur, Salem District, now temporarily come down to Chennai, do hereby solemnly affirm and sincerely state as follows:-

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R. Saravanan



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1. I state that am the petitioner herein and as such I am conversant with facts and circumstances of the case. I had filed the present writ petition seeking for a Writ of Mandamus or any other writ or order or direction directing the 1st and 3rd respondents to conduct public auction for Shop Nos. 37 and 38 situated at Attur Bus Stand, Attur, Salem District and not to disturb with my peaceful possession and occupation of the Shop Nos. 37 and 38 till the completion of the public auction by considering my representation dated 03.01.2026 within a time frame that will be fixed by this Hon'ble Court and for consequential orders.

2. I state that I am doing business in the name and style 'Sakunthala Fancy Stores' in the Shop Nos. 37 and 38, situated at Attur Bus Stand, Attur, Salem District for the past 20 years.

3. I state that I had paid the monthly Rent till January 2026. I had approached the 3rd respondent on 03.02.2026 for payment of rent for the period from February 2026 till July 2026. The 3rd respondent had received for the month of February and March 2026 for Shop No. 38, in so far as Shop No. 37 is concerned the 3rd respondent received rent for the month of February 2026 since there is a server problem they could not take receipt for the same. I undertake to pay the rent for the month of March 2026 for shop No. 37 once the server is ready. The 3rd respondent instructed me to pay the remaining rent in the first week of April since the financial year is ending by 31.03.2026. Hence I undertake to pay the rent for the period from April 2026 till July 2026 on or before 10.04.2026.

/s/

R. Saravanan



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4. I further state I undertake to vacate the above Shop Nos. 37 and 38 at Attur Bus Stand, Attur, Salem District and handover the vacant possession of the shops and keys to the 3rd respondent herein on or before 31.07.2026. Unless and otherwise, this undertaking affidavit is accepted, I would suffer irreparable loss and great hardships.

It is therefore most humbly prayed that this Hon'ble Court may be pleased to record this undertaking affidavit and time may be granted till 31.07.2026 for me to vacate and handover vacant possession of the Shop Nos. 37 & 38 to the 3rd respondent herein and thereby render justice.

Solemnly affirmed at Chennai
on this the 04th day of February 2026
and signed his name in my presence

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R. Saravanan.

BEFORE ME

M. B. 131 / 8613/25
(M. BALASAI LESHWAR)

ADVOCATE: CHENNAI

No. 11, JJ Street, E.K. Salai,
Mylapore, CH - 04.

5. In the light of the affidavit:-

(i) This writ petition stands dismissed;

(ii) The petitioner is granted time till hold to be in occupation of shop nos. 37 and 38 of Attur Bus Stand, Attur Town, Salem District. He shall handover the keys of the said shops to the 3rd respondent, on or before, the aforesaid date.

(iii) Once the 3rd respondent receives the keys, he shall handover the same to the 5th respondent.



(iv)The writ petitioner shall pay the rent for the period expiring on 31.07.2026, in advance, by 10.04.2026.

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(iii)In default of compliance the aforesaid clause, the petitioner will not be entitled for the benefit of the extended time granted under this order. To make it abundantly clear, if the rental amounts for the period ending 31.07.2026, are not paid by 10.04.2026, the 3rd respondent is entitled to lock and seal the premises.

05-02-2026

Index: Yes/No

Internet: Yes/No

Speaking/Non-speaking order

SK

To

1. The Commissioner
of Municipal Administration,
Urban Administrative Building,
MRC Nagar, Santhome High Road,
Raja Annamalaipuram,
Chennai 28.
2. The district Collector
Salem district,
Salem
3. The Commissioner
Attur Municipality,
Attur.



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V.LAKSHMINARAYANAN, J.

sk

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