

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.09.2015

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THE HON'BLE MR. JUSTICE N. KIRUBAKARAN

W.P.No.26775 of 2015

and

M.P.No.1 of 2015

R.Kannaiyan

..Petitioner

/vs/

1.The Director of Municipal Administration,
Ezhilagam, Chepauk,
Chennai 600 005.

2.The Regional Director of Municipal Administration,
JG Nagar, 1st Street,
Kumara Nanthapuram,
Tiruppur.

3.The Commissioner,
Palladam Municipality,
Palladam,
Tiruppur District.

..Respondents

Writ Petition is filed under Article 226 of Constitution of India praying for issuance of Writ of Mandamus directing the third respondent to renew the petitioner lease of running this two wheeler parking for further period from 01.10.2015 to 31.03.2016.

For Petitioner :Mr.Gnanasekar for

M/s P.Mullai

For Respondents:Mr.R.M.Muthukumar, GA,
for R1 and R2

Mr.A.S.Thambusamy for R3

ORDER

The petitioner was running a two wheeler parking stand at Anna Bus Stand in Palladam Municipality for the past six years, by paying necessary deposit to the Municipality. After expiry of lease period, a tender notice dated 23.01.2015, calling for letters for issuing license to the two wheeler parking in the bus stand was issued by the third respondent Municipality. The notification was published on 03.02.2015 and the petitioner made a representation on 04.02.2015 requesting the respondents to extend the lease for a further period with enhanced payment of 15% over and above the present lease amount. However, the said representation was not

considered by the respondent. Hence, the petitioner had filed a writ petition in W.P.No.3414 of 2015 challenging the tender notice dated 23.01.2015. The said writ petition was disposed of on 11.02.2015 sustaining the tender notice, but however, by giving a direction to the respondents to the dispose of the petitioner's representation dated 04.02.2015 with regard to extension of lease period. Subsequently, the petitioner had filed yet another writ petition in W.P.No. 4355 of 2015 seeking for writ of Mandamus directing the respondents not to conduct auction on 20.02.2015 and the said writ petition was dismissed giving liberty to the petitioner to participate in the auction.

2. Thereafter, again the respondent issued an auction notice on 12.03.2015, which was also challenged in W.P.No.8252 of 2015. During the date of hearing of the said writ petition on 25.03.2015, it was submitted on behalf of the petitioner that by an order dated 20.02.2015, the third respondent rejected the petitioner's representation for extension of lease and therefore, this Court disposed of by setting aside the order dated 20.02.2015 passed by the third respondent with a direction to the respondent to defer the auction/tender and with a further direction to the respondent to consider the petitioner's representation for extension of lease. Again, the third respondent, by an order dated 01.04.2015, rejected the petitioner's representation, which was challenged in W.P.No.10017 of 2015 and this Court by an order dated 07.04.2015 directed the petitioner to give a fresh representation seeking extension of lease. Finally, the third respondent passed an order on 15.07.2015 granting extension of time from 01.04.2015 to 30.09.2015 to continue the lease. Since the period is going to end, the petitioner has come before this Court seeking a Writ of Mandamus directing the third respondent to renew the petitioner's lease.

3. Heard Mr.Gnanasekar, learned counsel appearing for the petitioner and Mr.Rm.Muthukumar, learned Government Advocate appearing for respondents 1 and 2 and Mr.A.S.Thambusamy, learned counsel appearing for the third respondent.

4. It is admitted by both the parties that the auction was already conducted and the petitioner did not participate in the auction and a third party has already got lease hold right. Therefore, Mr.Gnanasekar, learned counsel appearing for the petitioner seeks only return of auction deposit amount made by the petitioner, which is lying in the deposit. It is evident from the receipt dated 13.05.2015 that a sum of Rs.5,51,500/- (Rupees five lakhs and fifty one thousand and five hundred only) was paid by the petitioner, which is lying with the third respondent's account.

5. In view of the above position, the petitioner is directed to vacate the premises on or before 30.09.2015. On such vacating the premises, the third respondent is directed to return the deposited amount, within a period of four weeks from

30.09.2015. Accordingly, the writ petition is disposed of. No costs. Consequently, connected M.P.No.1 of 2015 is also closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

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To

1.The Director of Municipal Administration,
Ezhilagam, Chepauk,
Chennai 600 005.

2.The Regional Director of Municipal Administration,
JG Nagar, 1st Street,
Kumara Nanthapuram,
Tiruppur.

3.The Commissioner,
Palladam Municipality,
Palladam, Tiruppur District.

1 cc to M/s P.Mullai , Advocate Sr.No.51850

1 cc to Mr.A.S.Thambusamy , Advocate Sr.No.51459

1 cc to Government Pleader.Sr.No.51545

W.P.No.26775 of 2015
and
M.P.No.1 of 2015

kgk(co)
pmk.23.9.2015

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