

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.NO.11808 OF 2016

WMP NO.10187 OF 2016

A.Mylevakanan

.. Petitioner

Versus

The Commissioner
Gobichettipalayam Municipality
Gobichettipalayam,
Erode District.

.. Respondent

PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, to call for the records of the respondent's order dated 26.02.2016 in Na.Ka.No.4700/2015/A3, quash the same and consequently direct the respondent to renew the lease / rental licence of the petitioner to run FIUDP Daily Market Shop No.8, opposite to Periyar Thidal, Gobichettipalayam, Erode District.

For Petitioner : Mr.S.Gunaseelan

For Respondent : Mr.R.M.Muthukumar
Government Advocate

O R D E R

Heard Mr.S.Gunaseelan, learned counsel appearing for the petitioner and Mr.R.M.Muthukumar, learned Government Advocate, who accepts notice for the respondent.

2.By consent, the writ petition is taken up for final disposal at the admission stage itself.

3.The petitioner has filed this writ petition challenging the order dated 26.02.2016 passed by the respondent in Na.Ka.No.4700/2015/A3 and sought for a consequential direction to the respondent to renew the lease / rental licence of the petitioner to run FIUDP Daily Market Shop No.8, opposite to Periyar Thidal, Gobichettipalayam, Erode District.

4.The petitioner has been a lessee for nine long years in respect of the property in question. Now, he wants further extension of lease by stating that he is ready to offer any amount that may be fixed by the respondent as lease amount. In this regard, a representation has been given to the respondent on 07.03.2016. However, the respondent has taken a clear stand that they proposed to bring the shop for public auction. After a period of nine years, as a lessee of the shop owned by the Municipality, there is no vested right to the petitioner to say that his lease period should be extended for a further period. This cannot be the proper method of disposing of properties owned by Local Bodies and Government Organisations. In order to ensure that the Municipality carries all civic duties effectively and efficiently, the financial condition of the Municipality has to be in a healthy state, for which, the revenue, which the Municipality generates should be adequate. One of the methods for generating revenue is by leasing out Municipal properties. Therefore, the Municipality is entitled to realise the best benefit and to achieve this, public auction is the proper method. Therefore, the relief sought for by the petitioner in this writ petition cannot be granted.

5.The writ petition is dismissed with the above observation. However, liberty is given to the petitioner to participate in the public auction. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

सत्यमेव जयते

To

The Commissioner
Gobichettipalayam Municipality
Gobichettipalayam,
Erode District.

+1 cc to Mr.R.Meenakshi Advocate sr.20715

+1 cc to Mr.S.Gunaseelan Advocate sr.19755

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