

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.12246 of 2016
and
W.M.P.No.10581 of 2016

O.S.Periyasamy
S/o.Samiyappan

.. Petitioner

vs.

1.The District Collector,
Erode District,
Erode.

2.The Executive Officer,
Perundurai Town Panchayat,
Perundurai,
Erode District.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the second respondent to renew the lease for the petitioner's shop at Shop No.7, Old Daily Market, Perundurai, Erode District, by considering the petitioner's representation dated 04.12.2015.

For Petitioner : Mr.R.Jayaprakash

For Respondents : Mr.R.Rajeswaran

Special Government Pleader [R1]

Mr.R.Govindasamy

Special Government Pleader [R2]

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O R D E R

By consent, the main Writ Petition itself is taken up for final disposal. Heard Mr.R.Jayaprakash, the learned counsel for the petitioner, Mr.R.Rajeswaran, the learned Special Government Pleader for first respondent and Mr.R.Govindasamy, the learned Special Government Pleader for second respondent.

2. The petitioner has filed this writ petition to issue a writ of mandamus directing the second respondent to renew the

lease for the petitioner's shop at Shop No.7, Old Daily Market, Perundurai, Erode District, by considering the petitioner's representation dated 04.12.2015.

3. The petitioner is a physically challenged person running a rice shop in Shop No.7, Old Daily Market, Perundurai, Erode District. The shopping complex was owned by the second respondent Town Panchayat. The petitioner submits that he has been a lessee for the past 13 years and claims to have been paying rent promptly without any default. Stating as above, the petitioner seeks for a positive direction to the second respondent for renewing the lease for a further period.

4. Except for sympathizing with the petitioner that he is a small trader, who is a physically challenged person, this Court cannot grant any relief to the petitioner since there is no vested right for the petitioner to insist that the lease has to be extended. The relief as prayed for cannot be granted.

This Writ Petition is dismissed. No costs. However, this order will not prevent the petitioner from pursuing his representation before the second respondent. It is open to the second respondent to take a decision on merits and in accordance with law. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

gm

To

1.The District Collector,
Erode District,
Erode.

2.The Executive Officer,
Perundurai Town Panchayat,
Perundurai,
Erode District.

+1 cc to Mr.R.Jayaprakash, Advocate, sr.20884

+1 cc to The Government Pleader, sr.20966

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