

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.NO.12698 OF 2016
AND WMP NO.11088 OF 2016

C.Vincent

.. Petitioner

Versus

The Executive Officer
Edangana Salai Grade I Town Panchayat
Edangana Salai, Sangagiri Taluk,
Salem District.

.. Respondent

PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the respondent to consider the representation of the petitioner dated 26.03.2016 and pass orders allowing the petitioner to retain the Shop No.6, Mottur IDSMD (Block 2) Complex on payment of the rent of Rs.2710/- per month.

For Petitioner : Mr.C.K.M. Appaji

For Respondent : Mr.R.Rajeswaran
Special Government Pleader

O R D E R

Heard Mr.C.K.M. Appaji, learned counsel for the petitioner and Mr.R.Rajeswaran, learned Special Government Pleader for the respondent.

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

3.The petitioner has come up with the present writ petition seeking for a direction to the respondent to consider his representation dated 26.03.2016 and pass orders, allowing him to retain the Shop No.6, Mottur IDSMD (Block 2) Complex on payment of the rent of Rs.2,710/- per month.

4.The petitioner is a lessee in respect of Shop No.6, Mottur IDSMD (Block 2) Complex and he has been continued as a lessee since March 2006. The petitioner would admit that an auction was conducted and he participated in the said auction and one Mr.Ravikumar also participated and it appears that he has offered more lease amount than the petitioner. The petitioner would state that he is solely dependant upon the shop, he is bed ridden and with the assistance of her daughter, he is running the business in the said shop. With these facts, the petitioner has sent a representation by speed post on 26.03.2016 requesting the respondent that his offer of Rs.100/- more than the offer given by one Muthukrishnan may be accepted and the lease may be granted in his favour.

5.Admittedly, there is no vested right for the petitioner to continue to be in occupation of the shop, once the tender has been granted and the shop has been allotted in favour of the said Mr.Muthukrishnan. If the petitioner offers more amount than the amount offered by the said Mr.Muthukrishnan, he should have done so within 24 hours or in terms of the tender conditions. It appears that the petitioner has not done so. Therefore, no positive direction can be granted to the petitioner to allot the shop especially when the petitioner himself has admitted that Mr.Muthukrishnan has been the successful bidder. Furthermore, the said Mr.Muthukrishnan has not been made as a party in this writ petition.

6.Hence, while declining to grant any positive direction, liberty is given to the petitioner to pursue his representation, which shall be considered by the respondent, on merits and in accordance with law, after issuing notice to the petitioner, within a period of three weeks from the date of receipt of a copy of this order.

7.The writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

TK

To

The Executive Officer
Edangana Salai Grade I Town Panchayat
Edangana Salai, Sangagiri Taluk,
Salem District.

+1 cc to Mr.C.K.M.Appaji, Advocate, sr.21424

W.P.NO.12698 OF 2016

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kra 26.04.2016



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