IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.4.2016

CORAM

THE HONOURABLE MR.JUSTICE SATISH K.AGNIHOTRI
AND
THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Appeal No.434 of 2016
and
C.M.P.No.6299 of 2016

S.L.Babu ... Appellant

Versus

1. The Executive Officer,
   Town Panchayat,
   Sholinghur 631 102.
   Vellore District.

2. The Assistant Director of Town Panchayat,
   Vellore Region, Vellore 632 009. ... Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 4.2.2016 made in W.P.No.4169 of 2016.

W.P.No.4169 of 2016 : Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorari to call for the records on the file of the 1st respondent in connection with the order dated 17.05.2013 in Na.Ka.No.160/2013 and in Na.Ka.No.151/2015 dated 26.03.2015 and Quash the same and direct the respondents to fix the correct rental annual value in respect of Shop No.5,Panchayat Complex,Sholinghur for 2013-2014, 2014-2015 and 2015-2016 by rectifying the errors in the rental valuation statement.

For Appellant : Mr.J.Shanmugasundara Babu

For Respondents : Mr.P.S.Sivashanmugasundaram,
Special Government Pleader

JUDGMENT

(Judgment of the court was delivered by V.BHARATHIDASAN, J.)

The present appeal has been filed by the appellant against the order passed by the learned Single Judge in W.P.No.4169 of 2016 dated 4.2.2016 dismissing the writ petition.

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2. The appellant is a lessee in respect of a shop owned by the first respondent-Town Panchayat. Originally, he was inducted as a lessee in the year 2004, and by virtue of G.O. Ms.No.92, Municipal Administration and Water Supply Department dated 3.7.2007, his lease was periodically renewed for nine years till 20.12.2013. After expiry of the lease period, as per the above mentioned G.O., the respondent-Town Panchayat revised the lease amount based on the prevailing market value and directed the appellant to exercise his option to accept the offer, in absence, the shop will be auctioned as per the above G.O.

3. Aggrieved over the same, the appellant filed the writ petition on the ground that the annual rental value fixed by the first respondent-Town Panchayat is not correct and a 10% depreciation was not allowed while fixing the rental value.

4. The learned Single Judge, holding that the annual rental value was fixed as per G.O.Ms.No.92 dated 3.7.2007 and as per the Public Works Department's norms, the appellant, being a lessee, cannot insist that the lease amount has to be fixed as per his requirement and he has no vested right to insist on grant of lease beyond the period of nine years, dismissed the writ petition.

5. We have heard Mr.J.Shanmugasundara Babu, learned counsel for the appellant and Mr.P.S.Sivashanmugasundaram, learned Special Government Pleader for the respondents.

6. Admittedly, the nine years lease period in respect of the appellant's shop expired on 20.12.2013 and after expiry of the lease period, as per G.O.Ms.92 dated 3.7.2007, the first respondent re-valued the premises and fixed the lease amount as per the prevailing market value and also gave priority to the appellant for renewing the lease based on the revised lease amount. A detailed working sheet is also sent by the first respondent-Town Panchayat to the appellant by letter dated 26.3.2015. Now, it is not open to the appellant to challenge the same contending that 10% depreciation has not been granted. As rightly held by the learned Single Judge, the appellant, being a lessee, whose lease period expired in the year 2012-13, cannot insist that the lease amount should be fixed as per his requirement. We do not find any error in the order passed by the learned Single Judge, hence, the writ appeal fails and accordingly, the same is dismissed. No costs. The connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

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Sub Assistant Registrar

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To:

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   Sholinghur 631 102.
   Vellore District.

2. The Assistant Director of Town Panchayat,
   Vellore Region,
   Vellore 632 009.

+1cc to Mr.J.Shanmugasundara Babu, Advocate, S.R.No.22984

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