

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.03.2017

CORAM

The Hon'ble Mr.Justice M.M.Sundresh

W.P.No.6337 of 2017
and
W.M.P.No.6834 of 2017

S.M.Sheik Ahamed

... Petitioner

Vs.

1.

2. The Regional Director,
Municipal Administration,
Arisipalayam, Salem.

2. The Commissioner,
Attur Municipality, Attur,
Salem District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking for a Writ of Certiorarified Mandamus to call for records of the second respondent in Na.Ka.No.19/2016/A4, dated 10.02.2017, and to quash the same and also to direct the second respondent to renew the lease of the petitioner's shop No.22, Nehru Poonga Vacant Land Shop from 01.04.2017 to 31.03.2020.

For Petitioner : M/s.A.Radhakrishnan and
Mr.K.Justin Selvakumar

For Respondents : Mr.R.A.S.Senthilvel
Additional Government Pleader

ORDER

By consent, the Writ Petition is taken up for final disposal. Heard Mr.A.Radhakrishnan, the learned counsel for the petitioner and Mr.R.A.S.Senthilvel, learned Additional Government Pleader, who accepts notice on behalf of respondents.

2.The petitioner, who is a licensee of a Shop, bearing No.22 has came forward to challenge the impugned order, dated 10.02.2017, by which, he was asked to handover possession after expiry of the lease period on 31.03.2017.

3.The learned counsel for the petitioner would submit that the petitioner has been in possession of the shop for more than

three decades, and therefore, the impugned order requires interference, as abruptly, the said position is made to come to a grinding halt.

4.This Court feels that the said submission cannot be a ground to set aside the impugned order. Admittedly, the lease period comes to an end on 31.03.2017. After the expiry of the said period, he does not have any vested right to hold possession. In that case, the learned counsel for the petitioner prays that, alternate shop may be considered for the petitioner, and till such time, he shall not be disturbed from possession of the present shop.

5.Considering the above said request of the learned counsel for the petitioner, this Court is granting liberty to the petitioner to make an application for provision of alternate shop. The application shall be filed within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the second respondent is directed to consider the same and pass appropriate orders within a period of four weeks thereafter. Till such time, the petitioner shall not be evicted from the shop in possession.

6.This Writ Petition is dismissed. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

-s/d-

Assistant Registrar(CS II)

True Copy

Sub-Assistant Registrar

To

1. The Regional Director,
Municipal Administration,
Arisipalayam, Salem.
2. The Commissioner,
Attur Municipality, Attur,
Salem District.

+1cc to Mr.A.Radhakrishnan, Advocate SR.No.16646

W.P.No.6337 of 2017

SKS (CO)
GN(03/04/2017)