

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 20.07.2018
CORAM
THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.7327 of 2018

and

W.M.P.Nos.9100 and 9101 of 2018

M.Pandian

... Petitioner

Vs.

1.The Block Development Officer,
Needamangalam Panchayat Union,
Needamangalam Taluk,
Thiruvarur District.

2.The Special Officer,
Edaimelaiyur West Panchayat,
Needamangalam Taluk,
Thiruvarur District.

3. R.Prabakaran ... Respondents

[3rd respondent is impleaded as per order of this
Court dated 20.07.2018 in W.M.P.No.21382 of 2018
in W.P.No.7327 of 2018]

Prayer : Writ Petition filed under Article 226 of the
Constitution of India to issue a writ of certiorari, calling for
the impugned order in Na.Ka.No.3862/16/A2, dated 07.03.2018
passed by the first respondent and quash the same.

For Petitioner : Mr.R.Sethu Pandian

For Respondents : Mr.Jothi Kumar
1 or 2 Additional Government Pleader
R3 : Jawahar,

O R D E R

Heard Mr.R.Sethu Pandian, learned counsel for the
petitioner, Mr.Jothi Kumar, learned Additional Government
Pleader for the respondents.

2.This writ petition has been filed to quash the impugned
order of the first respondent dated 07.03.2018, in and by which,

the petitioner has directed to hand over the possession of the community hall situated at Edaimelaiyur West, Needamangalam Taluk, Thiruvavarur District.

3. The learned counsel for the petitioner submitted that the petitioner is an existing lessee and his lease period expired on 18.4.2018 and even before the expiry of the lease period, he submitted a representation dated 09.02.2018 to the second respondent, seeking extension of lease. It is further stated that the petitioner had already spent more than Rs.6,00,000/-, for maintaining the property and if the petitioner is directed to hand over the possession, it will cause hardship to the petitioner. He would further state that even after expiry of nine years, the petitioner is entitled to continue the lease, as per G.O.Ms.No.92, Municipal Administration and Water Supply Department, dated 03.07.2007.

4. The learned Additional Government Pleader by referring the counter filed by the second respondent contended that in the auction conducted on 19.4.2004, the petitioner became a lessee and his lease period expired in the year 2007. When the respondents were taking steps to bring the community hall for public auction, the petitioner has filed a writ petition in W.P.No. 14156 of 2007 and as per the order of this Court dated 13.12.2012, the lease period of the petitioner was extended. Since the lease period already expired and after efflux of time, the petitioner is not entitled for extension. The respondents have decided to bring the community hall for public auction.

5. The learned Additional Government Pleader has further submitted that the petitioner is a resident of Chennai and he has sublet the community hall to third parties and he has no right to seek lease in perpetuity and as per the decision of this Court, the petitioner has to hand over the possession to the respondents as per the impugned order.

6. It is an admitted fact that the petitioner had been a lessee of the community hall since 19.04.2004 and his lease period was extended, pursuant to the order of this Court in W.P.No.14156 of 2007, dated 13.12.2012. This Court following the earlier Division Bench judgment held that the lessee cannot seek extension as a matter of right in perpetuity. Though, the lease period expired on 18.4.2018, I have extended the period till July, 2018, on the ground that the petitioner had already booked marriage hall till July, 2018.

7. Since the period has already expired, the petitioner shall hand over the possession to the respondents forthwith. It is made clear that the petitioner can also very well participate in the proposed auction to be conducted by the respondents. Hence,

I do not find any merits in this writ petition. Accordingly, this writ petition is dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Block Development Officer,
Needamangalam Panchayat Union,
Needamangalam Taluk,
Thiruvarur District.

2.The Special Officer,
Edaimelaiyur West Panchayat,
Needamangalam Taluk,
Thiruvarur District.

+2cc to Mr.R.Sethu Pandian, Advocate, S.R.No.48663

+1cc to Mr.B.Jawahar, Advocate, S.R.No.49090

W.P.No.7327 of 2018

and

W.M.P.Nos.9100 and 9101 of 2018

KK(CO)
GSP(06/08/2018)

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