

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2018

Coram

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.20160 of 2009

and M.P.No.1 of 2009

P. Nagarajan

... Petitioner

Vs.

1. The District Collector,
Krishnagiri District,
Krishnagiri.

2. The Commissioner,
Krishnagiri Municipality,
Krishnagiri & District.

3. The Chairman,
Krishnagiri Municipality,
Krishnagiri & District.

... Respondents

Prayer : This Writ Petition has been filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the 2nd respondent to renew the rent to the petitioner's Flower bid center, Krishnagiri Market, Krishnagiri and District as per the rules applicable to the Krishnagiri Municipality and receive the same from the petitioner.

For petitioner : Mr.M. R. Jothimanian

For Respondents : Mrs. Thangavadhana Balakrishnan
Additional Government Pleader
(for R1)

Mr.A.Arumugam (for R2 & R3)

सतयमेव जयते
O R D E R

The relief sought for in this writ petition is to direct the 2nd respondent to renew the rent to the petitioner's Flower bid center, Krishnagiri Market, Krishnagiri and District as per the rules applicable to the Krishnagiri Municipality and receive the same from the petitioner.

2. The case of the petitioner is that Krishnagiri Municipality has constructed the Flower Tender Center in the Krishnagiri Market and let out shop through public auction on 26.04.2005 and re-auction was conducted on 22.06.2005. The petitioner has participated in the re-auction and quoted a sum of Rs.6,000/- as yearly rental amount. In the aforesaid auction,

as he was the highest bidder, the Municipal Council, Krishnagiri passed the resolution No.218 on 30.06.2005 thereby decided to allot the said shop to the petitioner. The shop was also allotted as per order Na.Ka.No.7659/2004/A2, dated 06.07.2005 and handed over to the petitioner with effect from 01.07.2005. The petitioner is also paying yearly lease amount, as agreed in the bid. Though there was no specific clause for renewal of rental amount in the allotment order, as instructed by the respondent at the time of allotment, the petitioner approached the second respondent on various dates for the renewal of rental amount for the said shop. But, the second respondent did not renew the same and hence, the third respondent/the municipality Chairmen was attempting to evict the petitioner from the said shop. The petitioner has made a representation to the District Collector on 17.09.2009, but no response has been received from the first respondent/ District Collector. Hence the petitioner is before this Court by way of this writ petition.

3. The learned counsel for the respondents would submit that as per the orders dated 06.07.2005 made in Na.Ka.No.7659/2004/A2, there was no guarantee given to the petitioner regarding the renewal of the said lease. The lease was granted to the petitioner on 30.06.2005 and the centre was handed over to the petitioner with effect from 01.07.2005 and subsequently for the period of 2009-2012, sealed tenders were called for as per the procedure and at that time, one K.R.Nagarajan, is a highest bidder who quoted highest bid amount, and accordingly for period of 2009-2012, the resolution was passed by the Chairman of the Krishnagiri Municipality. Hence, the said lease was given to the said K.R.Nagarajan, as per the order of lease passed in Noc.No.785/07/A1, dated 28.08.2009.

In view of the above statements, as the lease period for the petitioner was lapsed and subsequently, the lease was allotted to one K.R.Nagarajan, for the period 2009 - 2012, nothing survives in this writ petition for further adjudication. Accordingly, this writ petition is dismissed. Consequently, connected Miscellaneous petition is closed. No costs.

-s/d-

Assistant Registrar

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Sub-Assistant Registrar

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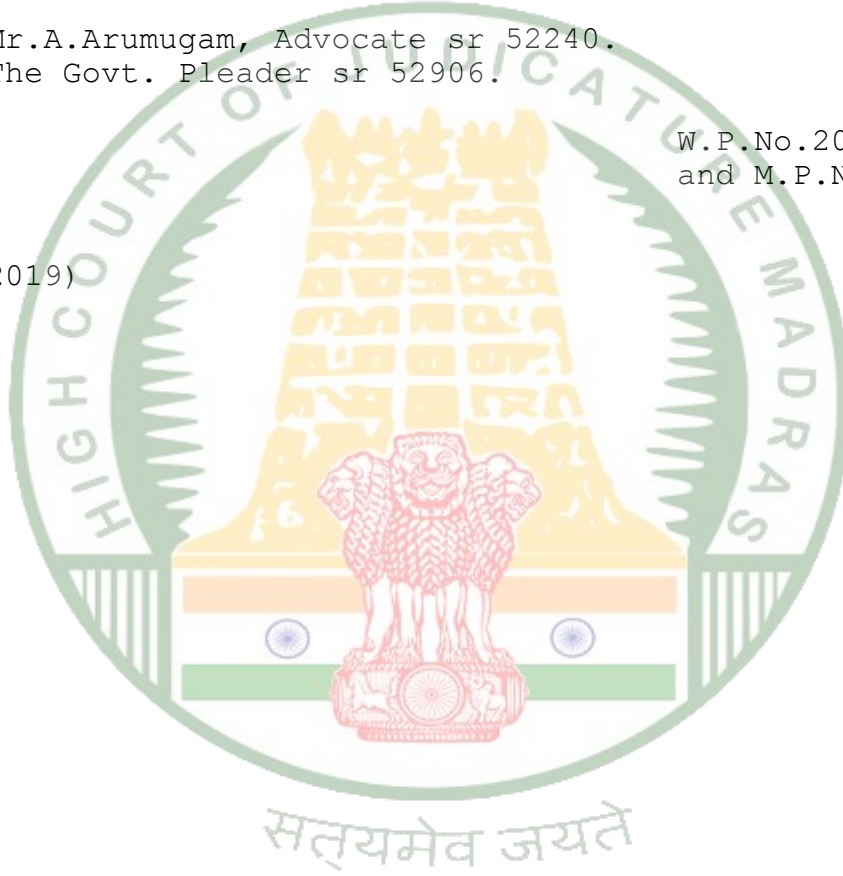
1. The District Collector
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Krishnagiri.
2. The Commissioner,
Krishnagiri Municipality,
Krishnagiri & District.
3. The Chairman,
Krishnagiri Municipality,
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+1 CC to Mr.A.Arumugam, Advocate sr 52240.

+1 CC to The Govt. Pleader sr 52906.

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GJ(CO)
SP(07/03/2019)



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