

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.03.2018

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

WP.No.18560 of 2013

K.V.Munusamy

...Petitioner

Vs.

1. State of Tamil Nadu,
Rep. By its Secretary to Government,
Public Works Department,
Chennai - 600 009.
 2. The Regional Transport Officer,
Coimbatore South,
Coimbatore 18.
 3. The Regional Transport Officer,
Coimbatore North,
Coimbatore 18.
 4. The Executive Engineer,
Public Works Department,
Building Division (Operations and Maintenance),
Coimbatore.
-Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records relating to the order of 4th respondent vide letter No.A2/3415/2001 (959/12), dated 15.05.2013 and quash the same and consequentially direct the respondents 1 and 4 to renew the lease period to run the Xerox Shop of the petitioner in the premises of 2nd and 3rd respondents.

For Petitioner : Mr.S.Venkatesh
For Respondents : Mr.V.Shanmuga Sundar,
Special Government Pleader

ORDER

This writ has been filed challenging the order of the 4th respondent dated 15.05.2013, whereby, the petitioner was directed to vacate the shop situated at Regional Transport Office, Coimbatore, Office complex.

2. According to the petitioner, he has been granted licence by the 4th respondent, vide order dated 20.07.2001, for running a Xerox Shop at the rent of Rs.1,170/-. After expiry of the lease period, the lease was renewed on 01.07.2004. As such he has been in possession and enjoyment of the property and he has been paying the rent regularly. Since the renewal application of the petitioner was not considered, the petitioner filed W.P.No.25333 of 2007 and the Writ Petition was disposed of, directing the 4th respondent to consider the representation of the petitioner.

3. Pursuant thereto, when the proposal was under consideration by the 1st respondent, the 4th respondent has issued the impugned order.

4. The learned counsel for the petitioner submitted that unless a decision is taken by the 1st respondent for renewal of the licence, the 4th respondent has no jurisdiction to pass the impugned order.

5. The learned Special Government pleader submitted that the lease granted in favour of the petitioner expired in the year 2013 and only thereafter, petitioner was directed to vacate the place.

6. The petitioner is relying on the G.O.Ms.No.2160, dated 03.11.1987 for renewal of the shop. This Court, by considering the similar Government Order in G.O.Ms.No.92, Municipal Administration and Water Supply Department, dated 03.07.2007, has held that the existing licensees are not entitled for renewal of the shop as a matter of right and it is for the local authority to decide either to renew the licence or fix the licence fee, based on the market value.

7. In view of the above facts, I do not find any merit in this writ petition and hence, the writ petition is dismissed. The petitioner is directed to hand over the possession of the shop in question to the 4th respondent within a period of one week from today, failing which, the respondents are directed to take possession with the help of the Police. No costs.

Sd/-

Assistant Registrar (CS-vii)

//True Copy//

Sub Assistant Registrar

pvs

To

1. Secretary to Government,
State of Tamil Nadu,
Public Works Department,
Chennai - 600 009.

2. The Regional Transport Officer,
Coimbatore South,
Coimbatore 18.

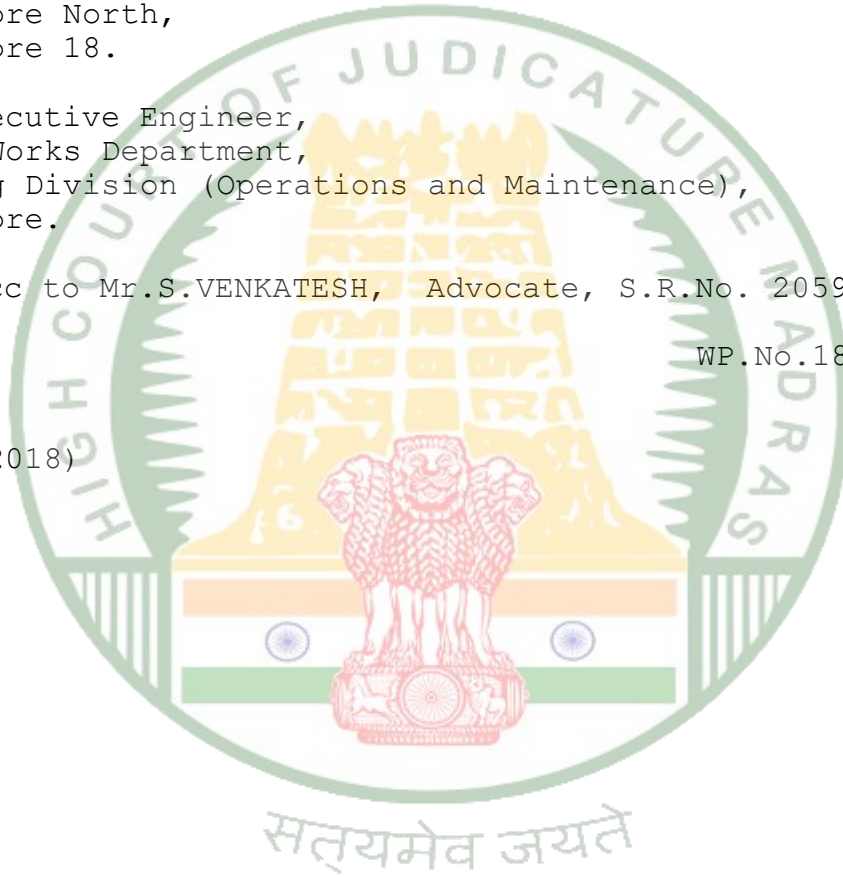
3. The Regional Transport Officer,
Coimbatore North,
Coimbatore 18.

4. The Executive Engineer,
Public Works Department,
Building Division (Operations and Maintenance),
Coimbatore.

+1cc to Mr.S.VENKATESH, Advocate, S.R.No. 20590

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RSK(CO)
TR(20/03/2018)



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