

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2018

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P.No.29822 of 2012
and M.P.Nos.1 and 2 of 2012

G.Mahalakshmi

...Petitioner

Vs.

1.The Commissioner,
Salem Corporation,
Salem.

2.The Assistant Commissioner,
Salem Corporation,
Suramangalam Zone,
Salem - 5.

3.The Secretary,
N.S.627, Salem Milk Consumer
Co-operative Society Limited,
Maravaneri, Salem - 7. ...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, to call for the records in respect of the proceedings of the 1st respondent herein dated 30.10.2012 in Na.Ka.No.K1/1739/12.

For Petitioner : Mr.R.Nalliyappan

For Respondents : Mrs.K.Bhuvaneswari
Standing Counsel for R1 & R2
Mr.A.S.Thambuswamy for R3

O R D E R

The prayer sought for in this writ petition is to quash the proceedings issued by the first respondent in Na.Ka.No.K1/1739/12, dated 30.10.2012.

2. The case of the petitioner is that the first respondent-Salem Corporation has allotted 23 shops to sell the milk products through Aavin, within the New Bus Stand, Salem. Out

of 23 shops, 5 shops were allotted to the third respondent. Subsequently, the third respondent issued an allotment order in favour of the petitioner in the year 1998 at Shop No.4, New Bus Stand, Salem, for a period of five years and the same was renewed periodically. It is further stated that the first respondent vide proceedings dated 14.2.2005, permitted the shop holders to sell bakery products along with the milk products.

3. The petitioner would further stated that in the year 2007, the respondents have tried to evict the petitioner without following the due process of law. Hence, the petitioner filed a suit in O.S.No.894 of 2007, for permanent injunction and the same was decreed on 02.09.2009. It is further stated that without issuing any show cause notice, the second respondent issued the impugned notice dated 30.10.2012 and cancelled the allotment of the petitioner's shop.

4. Heard Mr.R.Nalliyappan, learned counsel for the petitioner; Mrs.K.Bhuvaneswari, learned Standing Counsel for the respondents 1 and 2 and Mr.A.S.Thambuswamy, learned counsel appearing for the third respondent and perused the records.

5. This Court in a batch of Writ Petitions in W.P.(MD) No.9333 of 2017 and etc. batch, dated 10.07.2017 had held that the existing lessees / licensees have no vested right to seek extension of lease and upheld the notification to bring the shops for public auction. Further, this Writ Petition has been filed by the sub lessee. He cannot have better right than the lessee.

6. In that view, the Writ Petition fails and the same is dismissed. There is no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ms

To

1.The Commissioner,
Salem Corporation,
Salem.

2.The Assistant Commissioner,
Salem Corporation,
Suramangalam Zone,
Salem - 5.

3.The Secretary,
N.S.627, Salem Milk Consumer
Co-operative Society Limited,
Maravaneri, Salem - 7.

+lcc to Mr.R.Nalliyappan, Advocate Sr.No.22587

KK(CO)
sm:17.4.2018

W.P.No.29822 of 2012
and
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1/2



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