

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 23.03.2018
CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P.No.29823 of 2012
and M.P.Nos.1 to 3 of 2012

Gopi ...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

सत्यमेव जयते
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 on 14.02.2011 at Shop No.18, New Bus Stand, Salem, for a period of 12 years. 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 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.

KK(CO)

sm:17.4.2018

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and
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