



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.02.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.3747 of 2018

M.Katheresan

... Petitioner

Vs.

1.The Assistant Director,
Town Panchayat,
Nagercoil,
Kanyakumari District.

2.The Executive Officer,
Thingal Nagar Town Panchayat (Selection Grade)
Neiyur Post,
Kanyakumari District.

... Respondents

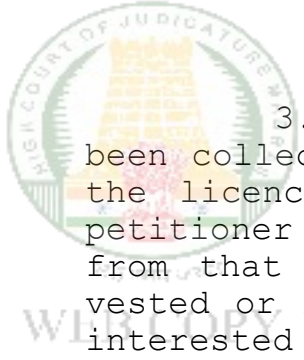
Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the Respondents to receive 5% enhanced amount (from the Auction Amount) from the petitioner and allow the petitioner to collect the market fee under the 2nd respondent for the period from 2018-2019 vide the petitioner's representations dated 18/01/2018 19/01/2018.

For Petitioner : Mr.K.Kulanthai Vikram
For 1st Respondent : Mr.Aayiram K.Selvakumar,
Additional Government Pleader.
For 2nd Respondent : Mr.B.Bhagavathi
Government Advocate.

ORDER

This writ petition has been filed seeking direction to the respondents to receive 5% of the enhanced amount (from the auction amount) from the petitioner and allow him to collect the market fee under the second respondent for the period from 2018-2019 by considering the representations of the petitioner dated 18.01.2018 and 19.01.2018.

2.According to the petitioner, he is a licensee under the second respondent to collect fees in the daily market and fish market from the year 2009. Due to ockhi cyclone, the petitioner has suffered huge loss and therefore, the petitioner has approached the respondents seeking to renew the licence on payment of 5% of the enhanced licence amount. Since no order has been passed, the present writ petition has been filed.



3. Admittedly, the petitioner is only a licensee and he has been collecting fees in the above market from the year 2009 and now the licence period is also over. In the said circumstances, the petitioner has no right to seek for renewal of his license. Apart from that he cannot hold the property perpetually and he has no vested or legal right to get renewal. If at all, the petitioner is interested in continuing his licence, it is for him to participate in the public auction to be conducted by the respondents. In the said circumstances, I find no merit in the writ petition. Accordingly, the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Assistant Director,
Town Panchayat, Nagercoil,
Kanyakumari District.
2. The Executive Officer,

Thingal Nagar Town Panchayat (Selection Grade)
Neiyur Post, Kanyakumari District.

+1CC to Mr.K.Kulanthai Vikram, Advocate, SR.No. 51401

Writ Petition (MD) No.3747 of 2018

23.02.2018

sms

AM/KK/SAR 1/19.03.2018/2P/4C