



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 05.03.2018

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THE HON'BLE MR.JUSTICE **V.BHARATHIDASAN**

Writ Petition (MD)No.4021 of 2018

and

W.M.P (MD) .No.4160 of 2018

M.Dhanaraj

.. Petitioner

-Vs-

The Commissioner,
Sattur Municipality,
Sattur,
Virudhunagar District.

.. Respondent

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Ceritiorarified Mandamus calling for the entire records, relating to the impugned notice, dated 18.08.2017 and final notice, dated 22.02.2018, issued by the respondent in respect of the petitioner's shop, viz., Assessment No.128/29, Mutton Stall, Shop No.9, R.C Street, Main Road, Sattus Town, Virudhunagar District and quash the same and consequently direct the respondent to renew the lease in respect of Assessment No.128/29, Mutton Stall, Shop No.9, R.C.Street, Main Road, Sattur Town, Virudhunagar District.

For petitioner : Mr.M.Solaisamy

For Respondent : Mr.M.Kannan

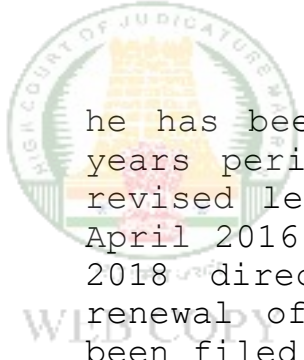
Standing counsel for Respondent

ORDER

This Writ petition has been filed challenging the order passed by the respondent Municipality and for direction for renewal of licence in respect of shop under the control of the respondent Municipality.

2.Heard Mr.M.Solaisamy, the learned counsel appearing for the petitioner and Mr.M.Kannan, the learned standing counsel appearing for the respondent.

3.According to the petitioner, the respondent Municipality has leased out a shop to the petitioner to run a Mutton stall and



he has been in possession and enjoyment. Now, after expiry of 9 years period, the respondent directed the petitioner to pay the revised lease rent at the rate of Rs.6938/- from Rs.5,783/- from April 2016 to March 2017 and Rs.6,938/- from April 2017 till March 2018 directed the petitioner to pay the arrears for further renewal of lease. Challenging the same this writ petition has been filed.

4.The petitioner submitted that the revision of lease made by the respondent is excessive from Rs.979/- to all of a sudden in nearly Rs.6,938/-. Apart from that even though the original area granted to the petitioner is 392 sq. feet, but only an extent of 120 sq. feet is available and he is in possession of that extent only.

5.The learned counsel appearing for the respondent submitted that the petitioner originally allotted the shop to run a mutton stall for an extent of 392 sq. feet, and he is in possession of the entire extent. As per the G.O.Ms.No.92 Municipal Administration and Water Supply Department, dated 03.07.2007 the lease amount was revised based on the market value an offer was made to the petitioner asking to pay the revised rent, and if the petitioner is not willing to accept the offer and the Municipality willing to lease out the shop through public auction.

6.Considering the fact that admittedly, the petitioner is in enjoyment of the shop for 9 years, and as per G.O.Ms.No.92 Municipal Administration and Water Supply Department, dated 03.07.2007, after expiry of 9 years period the Municipality is entitled to revise the lease rent as per the prevailing market value. Now the respondent revised the same and made an offer to the petitioner for renewal of the shop for another 3 years. This Court is already held that the licencees like petitioner do not have any vested right over the property and in such circumstances, if the petitioner is willing accept revised rate asked by the Municipality it is open to him to accept the offer, and if he is not willing the same and has necessarily vacate the premises enabling the Municipality to lease the shop in a public auction.

7.So far as the contention of the respondent relating to area allotted to him, if the petitioner accept the offer made by the respondent he can submit a representation before the respondent and the respondent Municipality shall consider the same and pass suitable order on merits.

8.With the above directions, this writ petition is



dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(AS)

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Sub Assistant Registrar

+ 1 cc TO Mr.M.Solaisamy , Advocate in SR No. 53497
+ 1 cc TO Mr.M.Kannan , Advocate in SR No. 53124

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