



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.01.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD) No.474 of 2018

and

W.M.P.(MD) No.475 of 2018

J.Jesurajan

... Petitioner

Vs.

1.The Regional Director,
Municipal Administration,
Tirunelveli Region,
Ram Popular Road,
Manakavalam Pillai Nagar,
Tirunelveli - 627 002.

2.The Commissioner,
Nagercoil Municipality,
Nagercoil - 629 001.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the second respondent to renew the lease in respect of Shop No.2, in Saraloor Buffalow Market, Nagercoil, in terms of G.O.No.92, Municipal Administration and Drinking Water Supply (N.N.4) Department, dated 03.07.2007, and as per the proceedings in Rc.No.1066/2015/A4 dated 28.03.2017, on the file of the first respondent herein, at the rate of Rs.1,600/- per month with effect from 01.04.2016 in favour of the petitioner, and upon such usual terms and conditions within a time frame as may be fixed by this Court.

For Petitioner : Mr.C.Jeganathan for
M/s.Veera Associates
For Respondents : Mr.M.Jeyakumar for R1
Additional Government Pleader

Mr.M.Athimoola Pandian for R2

O R D E R

The writ petitioner questions the impugned auction notice issued by the second respondent. The Writ petitioner was the lessee of a shop. The writ petitioner's case is that he is entitled to continue to be in occupation on payment of enhanced licence fee. He invoked G.O.No.92, Municipal Administration and Drinking Water Supply (N.N.4) Department, dated 03.07.2007.



2. When the matter was taken up for hearing on 11.01.2018, this Court permitted the respondent Municipality to proceed with the auction, but stayed the confirmation alone. This Court also permitted the writ petitioner to take part in the auction. It is now submitted by the learned counsel appearing on either side that the writ petitioner did not take part in the auction. This Court allowed the auction proceedings to go on only to ascertain the current market value.

3. The learned standing counsel appearing for the Municipality states that in the auction for the shop occupied by the writ petitioner, a sum of Rs.17,500/- was quoted as the monthly licence fee. But, the offer by the writ petitioner was only Rs.1,600/-. When the second respondent municipality is able to fetch ten times the sum compared to the present fee paid by the writ petitioner, this Court would not be justified in tying the hands of the municipality. In matters such as this, public revenue is more important than private interest.

4. There is no merit in this writ petition. It stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (W)

/True Copy/

Sub-Assistant Registrar

To

1. The Regional Director,
Municipal Administration,
Tirunelveli Region, Ram Popular Road,
Manakavalam Pillai Nagar,
Tirunelveli - 627 002.

2. The Commissioner,
Nagercoil Municipality,
Nagercoil - 629 001.

+One cc to The Special Government Pleader, SR.No.43137
+One cc to M/s.Veera Associates, Advocate, SR.No.43418

ls/skm

RL/5C/2P/MR/SAR2/9/2/2018

W.P. (MD) No.474 of 2018

19.01.2018