



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2018

CORAM :

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THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) Nos.6807 and 6808 of 2018
and
W.M.P(MD)Nos.6518 and 6519 of 2018

M.Shanthi ... Petitioner in W.P(MD)No.6807 of 2018
M.Leelamani ... Petitioner in W.P(MD)No.6808 of 2018

Vs.

Thuraiyur Municipality,
Rep by its Commissioner,
Thuraiyur,
Trichy District. ... Respondent in both W.Ps.

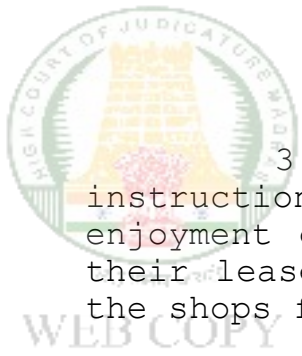
Petitions filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the Respondent to renew the license granted in favour of the Petitioner in respect of the Petty Shop in Shop Nos.7B and 7A respectively, situated in Anna Bus Stand, Thuraiyur Municipality, Trichy District in favour of the Petitioners within the time period stipulated by this Court.

For Petitioners : Mr.T.Lajapathi Roy
For Respondent : Mr.M.Rajarajan
Standing Counsel

COMMON ORDER

The writ petitions have been filed seeking direction to the respondent to renew the license granted in favour of the petitioners in respect of the Petty Shop Nos.7B and 7A respectively, situated in Anna Bus Stand, Thuraiyur Municipality, Trichy District, in favour of the petitioners within the time period stipulated by this Court.

2.According to the petitioners, they are the licensees for a shop and the lease granted to the petitioners was extended for a period of three years from 01.04.2015 to 31.03.2018 as per the resolution of the Municipal Council on payment of 15% of enhanced rent. Since the lease period is going to be expired on 31.03.2018, the petitioners submitted representation dated 22.02.2018 before the respondent seeking further renewal of their lease. Since no order has been passed, the present writ petitions have been filed.



3.Learned Standing Counsel appearing for the respondent on instructions submitted that the petitioners are in possession and enjoyment of the shop for more than 15 years by way of renewal of their lease. Now, the respondent municipality has decided to bring the shops for auction.

4.Admittedly, the petitioners have been in occupation of the shops for more than 15 years and they cannot claim any vested right and they cannot be permitted to continue in possession of the shops under the guise of renewal. Now the municipality wants to bring the shop for auction and the petitioners cannot resist the same.

5.In view of the above, the relief sought by the petitioners cannot be granted. However, if the petitioners are willing to participate in the tender, it is always open to them to participate in the said tender. Since the lease period in respect of the petitioners is going to expire on 31.03.2018, the respondent is directed not to disturb the possession of the petitioners, till the proposed auction is completed.

6.With the above direction, the writ petitions are disposed of. No costs. Consequently, W.M.P(MD)Nos.6518 and 6519 of 2018 are closed.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

+ 1 CC TO Mr.M.RAJARAJAN, ADVOCATE IN SR No. 59531 & 59532

SMS

TE/SKN-RSK/SAR-3 : 12/04/2018 : 2P/3C

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