

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 04.11.2019

Coram:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Writ Petition Nos.27484 & 27490 of 2019
and
W.M.P.Nos.26972 & 26974 of 2019

V.Karthikeyan ... Petitioner in W.P.No.27484/19

S.Raghupathy ... Petitioner in W.P.No.27490/19

/versus/

1.The District Collector,
Vellore District,
At Vellore.

2The Executive Officer,
Panapakkam Selection Grade Town Panchayat,
Panapakkam 631 052,
Vellore District.

3.Thiru.Kumar ... Respondents in both WPs

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 and 2 to consider the petitioners representation dated 31.08.2019 and thereby direct the 2nd respondent to receive the monthly rent from the petitioners for the Shop No.3 & 5, Ocheri Road Street, Panapakkam, Nemili Taluk, Vellore District 631 052.

For Petitioner :Mr.B.Gopalakrishnan
in both Wps.

For Respondents :Mr.K.Ravikumar, AGP for R1
in both WPs :MrN.Srinivasan for R2
:Mr.V.Arul for R3

COMMON ORDER

These two petitioners have entered into an oral agreement to the 3rd respondent, who is the successful bidder in the public auction conducted for the shops owned by the 2nd respondent/Town Panchayat. There is some dispute between the 3rd respondent and the petitioner. Hence, a suit has also been filed by them and it is pending. Meanwhile, the present writ petition is filed to direct the 2nd respondent to consider the representation of the petitioners thereby to consider them as a tenant and permit them to take the possession and occupation of the shop without any hindrance.

2. When an identical writ petition against the same respondents filed by other sub tenant by name C.Kuppan, this Court on 30.09.2019 in W.P.No.27438 of 2019 has passed the following order:-

"3.If there is any dispute between the petitioner and the 3rd respondent in their agreement, it has to be decided elsewhere. The writ petition and the prayer to recognize the petitioner as a tenant directly is unsustainable. If the 2nd respondent has materials to show that the 3rd respondent has sublet the premises to the petitioner, without the authority, it is open to the 2nd respondent to terminate the lease and put the premises into the public auction."

Since the facts are identical the observation has been made by this Court in W.P.No.27438 of 2019, applies to this case also.

3. Hence recording the same, these writ petitions are disposed of. Consequently, the connected miscellaneous petitions are also closed. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

rpl

To:

1.The District Collector,
Vellore District,
At Vellore.

2.The Executive Officer,
Panapakam Selection Grade Town Panchayat,
Panapakam 631 052,
Vellore District.

+1cc to Mr.B.Gopalakrishnan, Advocate Sr.91570
+1cc to Mr.V.Arul, Advocate Sr.90976
+1cc to Mr.K.Ravikumar, Advocate Sr.91303
+1cc to the Government Pleader Sr.91526

W.P.Nos.27484 & 27490 of 2019

and

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