

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.09.2019

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.27438 of 2019
and
W.M.P.No.26906 of 2019

C.Kuppan
S/o Thiru.Chinnappa Reddy,
Proprietor of Super Cool Drinks .. Petitioner
/versus/

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

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

3.Thiru.Kumar ... Respondents

Writ Petition 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 petitioner's representation dated 31.08.2019 and thereby direct the 2nd respondent to receive the monthly rent from the petitioner for the Shop No.6, Ocheri Road Street, Panapakkam, Nemili Taluk, Vellore District 631 052.

For Petitioner :Mr.B.Gopalakrishnan

For Respondents :Mr.N.Inbanathan, AGP for R1 & R2
Mr.V.Arul for R3

ORDER

The petitioner herein alleging that under the third respondent is enjoying the shop as lessee, has filed the present writ petition seeking Mandamus that the respondents 1 and 2 to consider his representation dated 31.08.2019 and receive the rent from him directly. Whereas, the proceedings of the 2nd respondent dated 18.09.2019 in Na.Ka.No.327/2019 indicates that the shop bearing No.6, Ocheri Road, Panapakkam was leased out to the 3rd respondent and the 3rd respondent has no right to sub

let the property to anybody else and the contract is only between the 3rd respondent and the panchayat.

2. The contention of the petitioner is that the third respondent has sub let the premises to him and after collecting money from the petitioner, the third respondent is remitting the rent to the panchayat, are the matter which is contrary to the terms of the lease entered between the third respondent and second respondent panchayat.

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 second respondent has materials to show that the third respondent has sublet the premises to the petitioner, without the authority, it is open to the second respondent to terminate the lease and put the premises into the public auction.

4. Recording the same, the writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

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

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

+1cc to Mr.B.Gopalakrishnan, Advocate, S.R.No. 83521
+1cc to Mr.V.Arul, Advocate, S.R.No. 83809
+1cc to the Government Pleader, S.R.No. 84016

W.P.No.27438 of 2019

BR(CO)
GN(01/11/2019)