

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

WP.No.33921 of 2018
and WMP.39382 and 39384 of 2018

M.Srinivasan

..Petitioner

Vs

1.The District Collector
Dharmapuri District
Dharmapuri

2.The Block Development Officer
Pappireddipatti Taluk
Dharmapuri District

3.The Executive Officer
Kadathur Town Panchayat
Pappireddipatti Taluk
Dharmapuri District

4.N.Brinda Chennakumar ... Respondents

Prayer:- This Writ Petition is filed, under the Article 226 of Constitution of India, to issue a writ of Certiorarified Mandamus to call for the entire records of the 3rd respondent pertaining to the allotment order in favour of the fourth respondent in Na.Ka.No.402/2018/A1 dated 08.11.2018 and quash the same and consequently direct the 3rd respondent to extend the lease of the petitioner for the community centre of Kadathur Village.

For Petitioner : Mr.C.Umashankar

For Respondents : Mr.B.Anand, Government Pleader
for R1 and R2
Mr.R.Neelakandan,
Govt.Advocate
for R3.
No appearance for R4.

ORDER

This Writ Petition is filed challenging the order passed by the 3rd respondent pertaining to the allotment order in favour of the fourth respondent in Na.Ka.No.402/2108/A1 dated 08.11.2018 and seeks to quash the same and consequently to direct the 3rd respondent to extend the lease of the petitioner for the community centre of Kadathur Village.

2. According to the learned counsel for the Petitioner, the Petitioner was the successful lessee in the auction held by the 3rd respondent for the annual lease hold rights of running the community centre at Kadathur Town Panchayat right from the year 2011 and 2012. The lease period commenced from 01.09.2011 to 31.08.2012 and as per the conditions of the lease, the petitioner can seek for extension for another one year with 5% increase for every year in the lease amount. Thus, the Petitioner got extension and paid the lease amounts for 2014-15, 2015-16, 2016-17 and 2017-18 and as such, the petitioner's lease period was extended till 2019.

3. According to the Petitioner, without any notice to conduct auction for the year 2018-2019, the third respondent had granted lease for the period from 08.11.2018 till 31.03.2019 to the 4th respondent. Challenging the aforesaid order, the present writ petition is filed.

4. The learned counsel appearing for the 3rd respondent has filed counter affidavit stating that the petitioner was irregular in paying the rental amount and further the Petitioner has not approached the respondent Town Panchayat for renewal of the lease period within the period of 90 days from the date of expiry of the lease period. In the meantime, the 4th respondent approached the 1st respondent District Collector for taking occupation of the premises which was with the petitioner and the time expired on 31.03.2019.

5. Even though it is contended by the Petitioner that as there is no notice for auction, the lease period has to be continued in his favour for the ensuing year also, he has not produced any order to show that the lease for the period till March 2019 is granted by the Village Panchayat in favour of him. On the contrary, in the typed set of papers filed in support of the Writ Petition, the impugned order dated 08.11.2018 shows that the lease is granted in favour of the 4th respondent. Therefore, the Petitioner cannot have any legal right to seek renewal of licence in his favour.

6. It is also submitted by the 3rd respondent-Executive Officer, Kadathur Town Panchayat, that after the expiry of lease period, the Panchayat as per the Government Order will conduct auction for granting lease for the aforesaid community centre.

7. In the light of the above facts and discussion, this court is not inclined to interfere with the impugned order passed by the 3rd respondent. The contentions raised on the side of the Petitioner has no merits and accordingly, the Writ Petition fails and the same is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

nvsri

To

1.The District Collector,
Dharmapuri District,
Dharmapuri.

2.The Block Development Officer,
Pappireddipatti Taluk,
Dharmapuri District.

3.The Executive Officer,
Kadathur Town Panchayat,
Pappireddipatti Taluk,
Dharmapuri District.

+1cc to Mr.M.Selvam, Advocate Sr.10189
+1cc to the Government Pleader sr.10813

WP.No.33921 of 2018

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