



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.10.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.17144 of 2013 and
M.P.Nos. 1 & 2 of 2013

Shak Abdul Kadhira @ S.A.Seit

... Petitioner

vs.

1.State of Tamil Nadu,
Rep. By its Secretary to Government,
Municipal Administration & Water
Supply Department, Fort St. George,
Chennai.

2. Dharapuram Municipality,
Rep. By its Commissioner,
Dharapuram.

3. The District Collector,
District Collector Office,
Tirupur.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuing a Writ of Mandamus, forbearing the 2nd respondent from evicting/cancelling the lease for Bus Stand Rettai Kadai in Dharapuram Bus Stand.

For Petitioner : Ms. S. Madhumithaa

For Respondents : Ms. A. Madhumathi
Special Govt. Pleader - R1 & R3

Mr. P. Srinivas - R2

O R D E R

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus forbearing the 2nd respondent from evicting/cancelling the lease for Bus Stand Rettai Kadai in Dharapuram Bus Stand.

2. The 2nd respondent filed a counter stating that the shop in question was leased out to the petitioner and a lease agreement was also entered into between the petitioner and the 2nd respondent, which came to an end on 31.03.2002 and subsequently it was extended at the instance of the petitioner till 31.03.2019. Further, the 2nd respondent has



stated that the petitioner sublet the shop portion to some third parties and the sub lessee vacated the shop portion and handed over the possession of the shop to the 2nd respondent in the year 2013 and that since the year 2013, the shop is in possession of the 2nd respondent. Further, the 2nd respondent has stated that the petitioner has not sought for extension of lease after 31.03.2019 and therefore, now the petitioner cannot claim possession of the shop after 1½ years from the date of expiry of lease period.

3. The learned counsel for the petitioner also submitted that the petitioner has not submitted any application seeking for extension of lease period.

4. Since the lease period had already expired on 31.03.2019 and the petitioner has not sought for any extension of lease thereafter, further that the 2nd respondent had already taken possession of the shop as early as in the year 2013, the prayer sought for in the Writ Petition cannot be granted. In such view of the matter, the Writ Petition stands dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

To

1.The Secretary to Government,
The State of Tamil Nadu,
Municipal Administration & Water
Supply Department, Fort St. George,
Chennai.

2. The Commissioner,
Dharapuram Municipality,
Dharapuram.

3. The District Collector,
District Collector Office,
Tirupur.

+1 cc to Government Pleader,sr.34663

rr(co)
krd 3/11

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