

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.06.2021

Coram

The Honourable Mr. Justice D. KRISHNAKUMAR

W.P.No.12060 of 2021

and

W.M.P.No.12833 of 2021

Mr.E.Naveen Kumar

...Petitioner

Versus

1.The Commissioner,
Salem Corporation,
Salem District,
Salem - 636 001.

2.The Assistant Commissioner,
Suramangalam Zonal Office,
Salem Corporation,
Salem District,
Salem - 636 005.

...Respondents

This Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the respondents to enforce lease order in Na.Ka.1/862/2018 dated 21.08.2020 and consequently, to provide the basic amenities such as water and electricity connection to the premises at First Floor, Block No.1, Zone - 24, Bharat Rathna Dr.M.G.R.Central Bus Terminus, to an extent of 5,224 Square Feet as per notice in Na.Ka.1/862/2018 dated 04.11.2020 based on the petitioner's representation dated 15.05.2021 within a stipulated period in accordance with law.

For Petitioner : Mr.M.Selvam

For Respondents: Mr.S.Sathish

O R D E R

(The case has been heard through video conference)

The relief sought for in this writ petition is to direct the respondents to enforce the lease order in Na.Ka.1/862/2018 dated 21.08.2020 and consequently, to provide the basic amenities such as water and electricity connection to the premises at First Floor, Block No.1, Zone - 24, Bharat Rathna Dr.M.G.R.Central Bus Terminus, to an extent of 5,224 Square Feet as per notice in Na.Ka.1/862/2018 dated 04.11.2020 based on the petitioner's representation dated 15.05.2021 within a stipulated period in accordance with law.

2. The case of the petitioner is that the respondent Corporation has invited a tender for allotting shops in the premises measuring to an extent of 5,224 Sq.ft, situated in the First Floor, Block No.1, Zone-24, Bharat Rathna Dr.M.G.R.Central Bus Terminus. By virtue of lease order passed by the respondents in Na.Ka.No.1/862/2018 dated 21.08.2020 with reference to G.O.No.92, Municipality Administrative and Water Resource Department dated 03.07.2007, the petitioner has obtained a valid lease hold right over the aforesaid premises and paid a sum of Rs.12,50,000/- as deposit to the respondents and the lease was fixed at Rs.2,47,095/- per month.

2.1. Subsequently, the second respondent vide letter dated 04.11.2020 permitting the petitioner to put up a construction of staircase to the 1st Floor on the eastern side of the Arthi Hotel and to use the space near the staircase for reception and business advertisement. The petitioner also made all interior arrangements for carrying on the hotel business in the aforesaid premises. Thereafter, he approached the respondents and requested them to inspect the premises and issue their consent letter for getting electricity connection and water connection which are the basic amenities for running the hotel business. He made several requests to the respondents in this regard, however, the respondents did not take any steps.

2.2. The petitioner has also made a representation dated 15.05.2021 to the respondents requesting them to enforce the aforesaid lease order and to provide the basic amenities such as electricity connection and water connection to the aforesaid premises for running the hotel business but the same was not considered by the respondents. Hence, the petitioner has filed the present writ petition for the relief stated supra.

3. The learned counsel for the petitioner would submit that the petitioner being a valid lease holder of the aforesaid premises, made a representation to the respondents requesting them to inspect the premises and issue a consent letter for providing water connection and electricity connection to his hotel, however, the respondents did not consider the same. He therefore prays this Court that appropriate direction may be issued to the respondents to consider the representation of the petitioner.

4. The learned counsel appearing for the respondents would fairly submit that the representation made by the petitioner dated 15.05.2021 is pending and the same will be considered by the respondents on merits and appropriate orders would be passed by them, within a time frame as stipulated by this Court.

5. Heard the learned counsel on both sides.

6. Considering the limited scope of prayer sought for by the petitioner, this Court without going into the merits of the case, issues the following directions:

(i) The petitioner is directed to submit a copy of his representation dated 15.05.2021 along with a copy of this order before the first respondent.

(ii) On receipt of the petitioner's representation, the first respondent is directed to consider the same and pass appropriate orders on merits and in accordance with law, as expeditiously as possible, preferably, within a period of four weeks from the date of receipt of a copy of this order.

7. This Writ Petition is disposed of with the above directions. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

mrr

To

1.The Commissioner,
Salem Corporation,
Salem District,
Salem - 636 001.

2.The Assistant Commissioner,
Suramangalam Zonal Office,
Salem Corporation,
Salem District,
Salem - 636 005.

W.P.No.12060 of 2021

SR II (CO)
GN(22/06/2021)