



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2022

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Writ Petition No.27970 of 2021
and W.M.P.No.29538 of 2021

R.Saraswathi

... Petitioner

-Vs-

1.The District Collector
Collector Office
Bangalore Main Road
Krishnagiri District.

2.The Block Development Officer
BDO Office, Shoolagiri
Shoolagiri Taluk & Post
Krishnagiri District - 635 117.

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st respondent to consider the representation of the petitioner dated 29.11.2021.

For Petitioner : Mr.M.D.Thirunavukkarasu

For Respondents : Mr.V.Manoharan
Additional Government Pleader - for R1

Mrs. Geetha Thamaraiselvan
Special Government Pleader - for R2

O R D E R

The relief sought for in the present writ petition is to direct the 1st respondent to consider the representation of the petitioner dated 29.11.2021.

2. The petitioner states that, she was the successful bidder in respect of the lease for collection of daily customs duty from the shop owners inside the daily market at Shoolagiri town. The grievance of the petitioner is that she was not in a



position to collect the daily customs duty for several months and sustained huge monetary loss. Admittedly, the period of lease is going to expire on 31.03.2022. Under these circumstances, the petitioner submitted a representation seeking extension of lease period to meet out the financial loss.

3. This Court is of the considered opinion that lease was granted on certain terms and conditions. The contractual obligations between the parties cannot be adjudicated in a writ proceedings. Therefore, it is for the petitioner to redress her grievance by approaching the competent authorities. However, the Court cannot grant any extension of lease period and further more, such extension of lease period cannot be claimed as a matter of right. Therefore, merely asking a direction to consider the representation submitted by the writ petitioner would do no service to the cause of justice. Even for asking a direction to consider the representation, the petitioner has to establish a right. In the absence of any right, no such direction needs to be granted by the High Court in a writ proceedings. In view of the fact that the petitioner states that she sustained loss, the same cannot be a ground to grant extension of lease or otherwise. The lease was granted on certain terms and conditions and the parties have agreed to abide by the terms and conditions.

4. The relief as such sought for is misconceived and further, by merely getting a direction to consider the representation, the petitioner cannot make an attempt to seek extension of lease, which is otherwise not permissible in law. However, in respect of any other violation of terms and conditions of the lease, the petitioner has to approach the competent Civil Court for adjudication of issues, if there is any such violation.

5. With the above observations, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VI)

//True copy//

Sub Assistant Registrar

KST



To

1.The District Collector,
Collector Office,
Bangalore Main Road,
Krishnagiri District.

2.The Block Development Officer,
BDO Office, Shoolagiri
Shoolagiri Taluk & Post,
Krishnagiri District - 635 117.

+1cc to Mr.M.D.Thirunavukkarasu, Advocate SR.No.7104

+1cc to Government Pleader SR.No.7432

W.P.No. 27970 of 2021

KSM(CO)
GMY(16/02/2022)