



W.P.(MD).No.12467 of 2012

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.07.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.12467 of 2012

and

M.P.(MD)No.2 of 2012

L.Balamurugan

... Petitioner

Vs.

1. The Executive Engineer,
Public Works Department,
Buildings (C & M) Division,
Medical Services,
Palayamkottai, Tirunelveli.
2. The Executive Engineer,
Public Works Department,
Buildings (C & M) Division,
Thoothukudi – 2.
3. The Assistant Executive Engineer,
Public Works Department,
Thoothukudi.
4. The Assistant Engineer,
Buildings Maintenance Section No.II,
Thoothukudi – 1.



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5. The Dean,

Thoothukudi Government Medical College,
Thoothukudi.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the first respondent in Letter No.Th7/1193-2012, dated 11.09.2012, quash the same.

For Petitioner : Mr.Sumalatha
for Mr.P.Kalaiyarasi Bharathi

For Respondents : Mr.N.Muthuvijayan
Special Government Pleader

ORDER

The present writ petition has been filed challenging an order passed by the first respondent herein under which the Tea Shop license of the writ petitioner was cancelled on the ground that the lease period has expired on 23.06.2012.



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2. The learned counsel for the petitioner has contended that as per Clause 13 of the agreement, there is a provision for renewal of the agreement for every three years. On 05.06.2012, the petitioner has sought for renewal by way of representation to the second respondent herein. While the said application is pending, the present impugned order has been passed refusing to extend the lease. Hence, he prayed for quashing the said order.

3. Per contra, the learned counsel for the respondents No.1 and 2 has contended that originally license in favour of the writ petitioner was granted by proceedings dated 22.06.2009 for the period covering 23.06.2009 to 23.06.2012. The said period had expired long back. Citing the pendency of the present writ petition and the interim orders granted in the said writ petition, the petitioner is continuing to run the Tea Shop for more than 12 years in the said premises without paying any rent. Hence, he prayed for dismissal of the writ petition.

4. I have considered the submissions made on either side.



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5. Admittedly, the license of the petitioner for running Tea Shop had expired on 23.06.2012. Though the petitioner had sought for renewal of the license on 05.06.2012, the same has been rejected by the first respondent herein. When the renewal of lease has been rejected by the competent authority, the Court cannot grant lease in favour of the writ petitioner. That apart, the prayer in the present writ petition is only to quash the impugned order, but no Mandamus has been sought for, for renewing the lease in favour of the writ petitioner. The writ petitioner is enjoying the benefit of the license for more than 12 years out of which the petitioner has not chosen to pay the rent for the past 10 years. This Court is not inclined to interfere in the order passed by the first respondent herein and the writ petition is devoid of merits.

7. With the above said observations, the Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.



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Index : Yes / No
Internet : Yes / No
jbr

To

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Medical Services,
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2. The Executive Engineer,
Public Works Department,
Buildings (C & M) Division,
Thoothukudi – 2.
3. The Assistant Executive Engineer,
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Thoothukudi.
4. The Assistant Engineer,
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5. The Dean,
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R.VIJAYAKUMAR ,J.

jbr



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Order made in
W.P.(MD).No.12467 of 2012

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