



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. [MD]No.4116 of 2022

and

W.M.P. [MD]No.3544 of 2022

N.Murugan

... Petitioner

Vs.

The Executive Officer,
Special Grade Town Panchayat,
North Valliyoor,
Tirunelveli District.

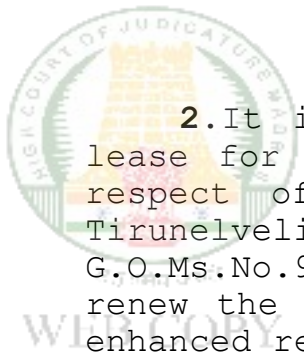
... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to extend the lease period for collecting the usage fee from the shops at Tirunelveli District, North Valliyoor daily market for the further period of 3 years commencing from 01.04.2022 to 31.03.2025 by accepting 15% over and above the existing lease amount paid by the petitioner by considering the representation of the petitioner dated 18.01.2022 and the remainder dated 14.02.2022 within the stipulated time that may be stipulated by this Court.

For Petitioner : Mr.S.C.Herold Singh
For Respondent : Mr.S.P.Karthik
Standing Counsel

O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to the respondent to extend the lease period for collecting the usage fee from the shops at Tirunelveli District, North Valliyoor daily market for a further period of 3 years commencing from 01.04.2022 to 31.03.2025 by accepting 15% over and above the existing lease amount paid by the petitioner by considering the representation of the petitioner dated 18.01.2022 and the reminder letter dated 14.02.2022 within a time frame to be fixed by this Court.



2.It is the case of the petitioner that he has been granted lease for a period of three years which expires on 31.03.2022 in respect of the daily market at North Valliyoor daily market, Tirunelveli District. According to the petitioner as per G.O.Ms.No.92 dated 03.07.2007, the respondent has got the power to renew the lease by another period of three years by accepting 15% enhanced rent amount from the petitioner. The petitioner has given a representation on 18.01.2022 followed by a reminder dated 14.02.2022 requesting the respondent to grant renewal of the lease for a further period of three [3] years from 01.04.2022 to 31.03.2025 by accepting 15% increase in the lease rent for the next three years. Since the said representation has not been considered till date, he has filed this writ petition.

3.Heard Mr.S.C.Herold Singh, learned Counsel for the writ petitioner and Mr.S.P.Karthik, learned Standing Counsel who accepts notice on behalf of the respondent.

4.On instructions, learned Standing Counsel would submit that as on date in respect of the existing lease a sum of Rs.7,84,764/- is due and payable by the petitioner to the respondent. The said statement is recorded.

5.No prejudice would be caused to the respondent if the representation of the petitioner seeking for renewal of the lease for a further period of three years from 01.04.2022 to 31.03.2025 on payment of enhanced lease rent at 15% over and above the existing rent is considered on merits and in accordance with law after affording a fair hearing to the petitioner. The statement made by the learned Standing Counsel for the respondent that a sum of Rs.7,84,764/- is due and payable by the petitioner in respect of the existing lease can also be considered by the respondent in the final orders to be passed by the respondent pursuant to the directions given by this Court.

6.Accordingly, this Court directs the respondent to consider the petitioner's representation dated 18.01.2022 followed by his reminder letter dated 14.02.2022 requesting the respondent to grant extension of lease for a further period of three years in respect of the daily market at North Valliyoor daily market, Tirunelveli District by accepting 15% enhanced rent over and above the existing rent and pass final orders on or before 31.03.2022 after affording a fair hearing to the petitioner. The contention of the respondent that a sum of Rs.7,84,764/- is due and payable by the petitioner to the respondent in respect of the existing lease can also be considered in the final order to be passed by the respondent pursuant to the directions of this Court and thereafter, the respondent can decide whether the lease can be extended in favour of the petitioner or not.



7. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

WEB COPY

/TRUE COPY/

Sd/-
Assistant Registrar

/ /2022
Sub Assistant Registrar(CS)

MR

NOTE: *In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.*

To
The Executive Officer,
Special Grade Town Panchayat,
North Valliyoor,
Tirunelveli District.

+1 CC to M/s.SPL.GP (SR-10976[F] dated 09/03/2022)

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-11009[F] dated 10/03/2022)

ORDER MADE IN
W.P. [MD]No.4116 of 2022
08.03.2022

MK/22.03.2022/3P/4 C