



WEB COPY



W.P.No.1039 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.Nos.1039 and 1044 of 2023

&

W.M.P.Nos.1029 and 1034 of 2023

A.M.Sekar

... Petitioner in W.P.No.1039 of 2023

Bharathraj

... Petitioner in W.P.No.1044 of 2023

Vs.

1. The Regional Director
Municipal Administration
Arisipalayam, Salem

2.The Commissioner
Attur Municipality
Attur, Salem District

... Respondents in both cases

C O M M O N P R A Y E R: Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified mandamus calling for the records of the 2nd respondent in Na.Ka.No.262/2022/A4 dated 13.12.2022 and quash the same consequently direct the 2nd respondent to renew the lease of the petitioner shop Nos.20,21, West Side Vacant Land shops in Attur Bus Stand Entrance from 01.04.2023 to 31.03.2026.

For Petitioners : Mr.A.Radhakrishnan



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For Respondents : Mr.N.Naveenkumar, Govt.Advocate for R1

Mr.L.P.Mauriya for R2

COMMON ORDER

These writ petitions are filed to call for the records of the 2nd respondent in Na.Ka.No.262/2022/A4 dated 13.12.2022 and quash the same consequently direct the 2nd respondent to renew the lease of the petitioners shop Nos.20,21, West Side Vacant Land shops in Attur Bus Stand Entrance from 01.04.2023 to 31.03.2026.

2. It is the contention of the petitioners that they are in possession of the property based on the lease agreement with the Municipality and are regularly paying the rents. When the matter stood thus, by impugned order dated 13.12.2022 respondents demanded Rs.88,200/- from the petitioner.

3. Learned Government Advocate took notice for the 1st respondent and submits that the impugned order has been passed only pursuant to the G.O.(4D)No.23 dated 001.12.2022 wherein the fund has been sanctioned by the Government of Tamil Nadu for construction of shops and fund has also been allotted. It is his further contention that even at the time of license there



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is a specific condition that if the rent is not paid for more than three months, the license will be cancelled. Similarly, Municipality has reserved right to cancel the license and to take possession at any time. Hence, opposed the Writ Petitions.

4. Though the petitioners are inducted as a licensee, the impugned notice has been issued for vacating the building besides claiming arrears and on the ground of reconstruction.

5. The respondent also brought to the notice of G.O.(4D)No.23 dated 01.12.2022 wherein the construction of new shops and other facilities at Attur old Bus stand was sanctioned at the cost of Rs.3.7 crores. Now the Government has sanctioned the funds for reconstruction of the shops and the petitioners being a licensee and inducted into possession subject to the conditions that shops will be taken back any time, now the petitioners cannot question the impugned orders.

6. In such view of the matter, as the Government has already passed the Government Order sanctioning the funds for construction of the new



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shops, the petitioners cannot question the same.

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7. In such view of the matter, at the most after reconstruction the petitioners shall be considered on preferential basis for allotment.

8. With the above directions, the Writ Petitions are disposed of. No costs. Consequently, Connected Writ Miscellaneous Petitions are closed.

19.01.2023

kpr

Index:Yes/No

Speaking/Non-speaking order

Neutral citation:Yes/No

Note:Issue order copy on 25.01.2023

b/o

Ggs P.S. to NSKJ

To

1. The Regional Director
Municipal Administration
Arisipalayam, Salem

2.The Commissioner
Attur Municipality
Attur, Salem District



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N. SATHISH KUMAR, J.

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