



W.P(MD)No.6840 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.03.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).No.6840 of 2023
and WMP(MD)No.6396 of 2023

P.Vetrivel

... Petitioner

Vs

The Commissioner,
Dindigul Municipality, Dindigul.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to continue the petitioner to do business in Shop No.17 located in the Solaihall Road, fish market of the respondent till subsistence of the agreed lease period.

For Petitioner : Mr.G.M.Xavier

For Respondent : Mr.M.Thirunavukarasu
Standing Counsel



W.P(MD)No.6840 of 2023

WEB COPY

ORDER

The Writ Petition has been filed in the nature of Mandamus, seeking a direction against the respondent/Commissioner, Dindigul Municipality, Dindigul to permit the petitioner to do business in Shop No.17 located in the Solaihall Road, fish market, till the subsistence of the agreed lease period.

2.In the affidavit filed in support of the writ petition, the petitioner has stated that his friend T.Ragupathy is the direct lessee and he was allotted with Shop No.17, for a lease period of three years, which commenced from the year 2017 till 2020. Thereafter, the lease had been extended from the year 2020 till 31.03.2023.

3.The learned counsel for the petitioner states that consequent to the agreement with the said Ragupathy, the petitioner has been paying the lease amount. But still the respondent can recognize only the said Ragupathy and not the petitioner.

4.Even otherwise, the petitioner seek for a mandamus to permit



W.P(MD)No.6840 of 2023

him till the end of lease period, which would end on 31.03.2023. The actual

relief sought for by the petitioner is extracted hereunder for clarity:

“Under the circumstances it is prayed that this Hon'ble court may be pleased to issue WRIT OF MANDAMUS of other appropriate writ or direction of that nature, directing the respondent to continue the petitioner to do business in Shop No.17 located in the Solaihall Road, fish market of the respondent till subsistence of the agreed lease period and pass such other further orders as may be deemed fit and proper and thus render justice.”

5.The petitioner has not sought that he will continue the business beyond the lease period. Therefore, this Court cannot grant any such relief to the petitioner.

6.The learned Standing Counsel appearing for the respondent states that as per oral instructions received the place, which was originally a public pathway was let out for shops is now to be restored as a pathway.

7.The relief of the petitioner is that till the subsistence of the



W.P(MD)No.6840 of 2023

agreed lease period (till 31.03.2023), he would do business and no further.

Till 31.03.2023, the petitioner has every right to do the business. It is also represented that the respondent would not disturb the petitioner till 31.03.2023. There is no relief sought for extension of the relief period, by the petitioner.

8.However, the petitioner is at liberty to give a representation before the respondent, for further extension. It is for the respondent, either to consider or not to consider. No right is vested with the petitioner.

9.With the above directions, this writ petition stands disposed of.
No costs. Consequently, connected miscellaneous petition is closed.

29.03.2023

NCS : Yes/No
Index : Yes / No
Internet: Yes/ No
PNM

To
The Commissioner,
Dindigul Municipality, Dindigul.



WEB COPY



W.P(MD)No.6840 of 2023

C.V.KARTHIKEYAN, J.

PNM

ORDER IN
W.P(MD).No.6840 of 2023
and WMP(MD)No.6396 of 2023

29.03.2023