



WEB COPY



W.P.(MD)No.20527 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.20527 of 2023
and W.M.P.(MD)No.16973 of 2023

M.Amutha

... Petitioner

versus

The Commissioner,
Office of the Commissioner,
Theni Allinagaram Municipality,
Theni District.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the respondent herein to permit the petitioner to continue his lease in respect of the shop No.55 situated at New Bus Stand Theni Allinagaram, Theni, by receiving the enhanced rent for the subsequent years by considering the representation of the petitioner dated 09.08.2023.

For Petitioner : Mr.C.Gangai Amaran
For Respondent : Mr.G.Kaleeswaran,
Standing Counsel

ORDER

The petitioner has participated in a tender floated by the respondent Municipality in the year 2016 to lease out the shops in



W.P.(MD)No.20527 of 2023

Theni Allinagaram Bus Stand. She has been allotted Shop No.55 by proceedings dated 27.12.2016. The lease was initially granted for a period of three years, i.e. from 2016 to 2019. After the expiry of period, the lease was renewed till 2021 on the request made by the petitioner. While so, the respondent Municipality has initiated action as against the petitioner for arrears of rent for the year 2018-2019 and 2019-2020 and has also demanded a sum of Rs.6,44,427/-. Therefore, the petitioner has filed a writ petition in W.P.(MD)No.4504 of 2021 and the same appears to be pending. Now, the petitioner has approached this Court for a Mandamus directing the respondent to permit him to continue her lease with regard to the shop No.55 situated at New Bus Stand Theni Allinagaram, Theni, by accepting the enhanced rent for the subsequent years, by considering her representation dated 09.08.2023.

2. Mr.G.Kaleeswaran, learned Standing Counsel, who takes notice for the respondent Municipality, on instructions, submits that the



W.P.(MD)No.20527 of 2023

lease period was over even in the year 2019 and it has not been extended as claimed by the petitioner. He further submits that the petitioner is having arrears of rent to an extent of Rs.9,48,609/- for Shop No.55. He further submits that demanding the arrears of rent, a final notice was issued to the petitioner on 12.04.2021 and her shop has been sealed by the respondent Municipality on 07.05.2021. Thereafter, the Municipality has also brought the shop for auction on 10.03.2023 and one Kiruthika has taken the shop No.55 in the auction.

3. In view of the submissions made by the learned Standing Counsel for the respondent Municipality, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

23.08.2023

ogy
NCC : Yes / No.
Index : Yes / No.
Internet : Yes / No.



WEB COPY



W.P.(MD)No.20527 of 2023

B.PUGALENDHI, J.

ogy

To

The Commissioner,
Office of the Commissioner,
Theni Allinagaram Municipality,
Theni District.

W.P.(MD)No.20527 of 2023

23.08.2023