



W.P.No.13875 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.06.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.13875 of 2024

Senthilkumar

...Petitioner

Vs.

The Commissioner
Pollachi Municipality
Pollachi
Coimbatore

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent Municipality to renew the lease for an another period of 3 years w.e.f 01.05.2024 to the shop no. 15 at Gandhi Market Commercial Complex, Pollachi allotted to the petitioner under order of lease bearing Na.Ka.No.1131/2020/A6 dated 28.04.2021 by considering his representation dated 01.01.2024.

For Petitioner : Mr.R.Nandhakumar

For Respondent : Mr.B.Anand

ORDER



W.P.No.13875 of 2024

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This Writ Petition has been filed for issuance of a directing the respondent Municipality to renew the lease for an another period of 3 years w.e.f 01.05.2024 to the shop no. 15 at Gandhi Market Commercial Complex, Pollachi allotted to the petitioner under order of lease bearing Na.Ka.No.1131/2020/A6 dated 28.04.2021 by considering his representation dated 01.01.2024.

2. The case of the petitioner is that on a public auction conducted in the year 2021 by the respondent for leasing out the shops situated at Gandhi Market Commercial Complex, Pollachi, the petitioner has participated and became a successful bidder and Shop No.15 was allotted to him for a lease period of 3 years i.e from 01.05.2021 to 31.04.2024 for a monthly rent of Rs.9,999/-. As per the terms of auction notice and subsequent lease conditions, in the year 2021, a total sum of Rs.3,19,994/- was paid towards lease security deposit to the respondent Municipality.

3. The petitioner would further submit that the petitioner was regularly paying the monthly rent of Rs.9,999/- along with Rs.1,800/-



W.P.No.13875 of 2024

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towards GST to the respondent without any dues. The contention of the petitioner is that adjacent to the petitioner shop i.e. Shop No.16 TASMAC shop was commenced and in furtherance of the same the license was issued to run the bar and sell eateries attached to the above TASMAC shop. While being so, the respondent has issued notice in Na.Ka.No.1131/2023/A6 dated 30.11.2023 alleging that the petitioner has not obtained permission from it to run the bar in shop No.15 and therefore, directed to remove the bar from the premises within 24 hours or otherwise, it will proceed with lock and seal etc.,

4. The petitioner filed Writ Petition in W.P.No.36293 of 2023 before this Court challenging the notice dated 30.11.2023 and sought further direction to remove the lock and desal the Shop No.15 at Gandhi Market Commercial Complex, Pollachi allotted to petitioner etc., This Court by an order dated 28.12.2023 passed order to desal the premises as the petitioner was paying rents to the respondent as per the lease condition.

5. He would further submit that in view of the order of lease dated



W.P.No.13875 of 2024

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28.04.2021, the petitioner has a valid lease to the shop No.15 upto 30.04.2024 and thereafter as terms and condition in the lease, entitled to renewal of lease on enhancement of 15% of rent. The petitioner also paid a renewal fee of sum of Rs.1000/- along with additional security deposit of sum of Rs.18,000/- to the respondent for renewing the lease. On the otherhand, the petitioner participated in the tender invited by the Tamil Nadu State Marketing Corporation Limited to run bar and sell eateries in the shop attached to the TASMAC shop running in shop No.16 and as a successful bidder, the license was issued to run the bar and eateries attached to the above TASMAC shop No.2043. Thus, after the payment of all security deposit i.e about Rs.4,10,204/- the bar license was given to run bar attached to the above TASMAC from 13.03.2024 to 31.12.2025. However, for no reasons the respondent has not renewed the lease despite representations dated 01.01.2024 and 02.04.2024 and hence the present Writ Petition has been filed seeking a direction against the respondent to renew the lease for Shop No.15.

6. Learned counsel for the respondent submitted that necessary



W.P.No.13875 of 2024

orders will be passed after considering the petitioner's representations.

7. Heard Mr.R.Nandhakumar, learned counsel appearing for the petitioner and Mr.B.Anand, learned counsel for the respondent/Municipality.

8. Considering the facts of the case, this Court without expressing any opinion on the merits of the case, directs the respondents to consider the petitioner's representation dated 01.01.2024 and 02.04.2024 by affording an opportunity of personal hearing and pass orders within a period of eight weeks from the date of receipt of a copy of this order.

With the above observation, this Writ Petition is disposed of. There shall be no order as to costs.

03.06.2024

Index:Yes/No
Speaking order/Non-speaking order
kpr

V.BHAVANI SUBBAROYAN,J.

Kpr



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W.P.No.13875 of 2024

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The Commissioner
Pollachi Municipality
Pollachi
Coimbatore

W.P.No.13875 of 2024

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