



WEB COPY



W.P.No.15252 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.15252 of 2024
and W.M.P.No.16588 of 2024

K.Shankar

...Petitioner

Vs

1.The Joint Commissioner
HR & CE,
Erode District.

2.The Executive Officer
Arulmigukariyakali Amman Thirukovil,
Periyamanali,
Thiruchengodu Taluk,
Namakkal District

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records pertaining to the notice issued by the 2nd respondent dated 21.02.2024 and quash the same.

For Petitioner

: Mr.C.Venkatesan

for Mr.R.Muruga Bharathi

For Respondents

: Mr.K.Karthikeyan

Government Advocate

ORDER



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This writ petition has been filed challenging the notice issued by the 2nd respondent dated 21.02.2024.

2. The case of the petitioner is that he is running two shops at Arulmigu Vinayagar Matrum Mariyamman Vahera Thirukovil, Velagoundampatti and the 2nd respondent decided to let the said shops for rent and accordingly, invited tender for the said shops. The petitioner participated in the tender and being a successful and highest bidder, he had allotted with Shop Nos 1 and 3 for the period from 01.07.2012 to 30.05.2015. The rent was fixed at Rs.1,200/- for Shop No.1 and Rs.1,500/- for Shop No.3. and he paid an advance amount of Rs.14,400/- and a sum of Rs.77,987/- as auction amount.

(ii). In the said shops, the petitioner was running a mobile shop and a small hotel for his livelihood. On completion of the lease period (i.e.) on 30.06.2015, the lease period was extended for every 3 years by increasing 15% of the rent. The petitioner have been running the said shops for almost 12 years and his livelihood depends on the said shops. Now, the petitioner is paying a sum of Rs.1,200/- p.m. and Rs.1,500/- p.m. as rent for the said shops and the same has been periodically increased and he is ready to pay the fair rent as fixed by the 2nd



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respondent. But the 2nd respondent had issued a notice dated 21.02.2024 calling upon the petitioner to vacate the said shops within a period of fifteen(15) days from the date of receipt of the notice. Hence, he filed the present writ petition.

3. Learned counsel for the petitioner would submit that the petitioner is paying rent periodically with increase of 15% of rent once in every three(3) years and he is ready to pay the rent as fixed by the 2nd respondent and to renew the license. Unfortunately, the 2nd respondent issued a notice to vacate the shops, which is illegal and untenable. Hence, he seeks a direction to quash the said notice dated 21.02.2024.

4. Learned counsel for the respondent would submit that the temple is under the the contract of Executive Officer and he would submit that the petitioner participated in the tender upon auction and the lease period expired on 30.06.2015. After that, again the rent was increased, but he is paying the rent to the tune of Rs.1,200/- and Rs.1,500/- p.m. till date. According to him, the said period of license was over on 30.06.2015 and from 01.07.2012, he is only paying a sum of Rs.1,200/- and Rs.1,500/- p.m.. to increase the income of the temple, the respondents had decided to conduct fresh auction and thereby, praying to dismiss the present writ



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petition by directing the petitioner to vacate the said shops within a period of 15 days.

5. Heard the learned counsel for the petitioner and the learned counsel for the respondents and perused the materials available on record.

6. On going through the documents, the petitioner was intimated to vacate the shops vide notice dated 21.02.2024. After the completion of lease period i.e., from 30.06.2015, he has been paying the rent to the tune of Rs.1,200/- and a sum of Rs.1,500/- per month. The petitioner is in possession of the said shops for more than a period of 12 years. While so, to increase the income of the temple, the respondent sent a notice dated 21.12.2024 to the petitioner to vacate the shops within a period of 15 days to conduct fresh auction.

7. In such view of the matter, this Court is of the view that in order to increase the income of the temple, the petitioner can vacate the said shops within a period of two(2) weeks from the date of receipt of a copy of this order and he will be permitted to participate in the open public auction.

8. With the above observation, this writ petition is disposed of. No costs. Consequently connected miscellaneous petition is



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closed.

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

To

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V.BHAVANI SUBBAROYAN,J.

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