



W.P.(MD) No.17282 of 2015

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD)No.17282 of 2015
and M.P.(MD)Nos.1 and 2 of 2015

M.Sait Badusha

... Petitioner

Vs.

- 1.The Commissioner,
Tiruchirappalli Corporation,
Tiruchirappalli.
- 2.The District Collector,
Trichy District, Trichy.
- 3.The Tahsildar,
Trichy East, Trichy.
- 4.The Assistant Engineer,
The Tamilnadu Generation and
Electricity Distribution Corporation,
Tangedco, Trichy District.

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to restore the petty shop measuring 45 sq.ft. at 554, Samaspiran Street, Trichy with the Assessment No. 2002285 in T.S.No.2105 and thereby restore the possession of the petitioner of his business as lessee of the 1st respondent of the vacant site and to continue his business.

For Petitioner : Mr.D.Nallathambi

For Respondents : Mr.R.Kishore Ram
for M/s.R.B.Law Associates
Mr.N.GA.Nataraj for R2 and R3
Mr.S.Deenadhayalan for R4

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

This Writ Petition has been filed for the issuance of a Writ of Mandamus, directing the 1st respondent to restore the petty shop measuring 45 sq.ft. at 554, Samaspiran Street, Trichy with the Assessment No.2002285 in T.S.No.2105 and thereby restore the possession of the petitioner of his business as lessee of the 1st respondent of the vacant site and to continue his business.



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2. According to the petitioner, license has been granted by the first respondent on 21.01.1971. Thereafter, the license was extended on 21.10.2013 for further period of three years from 01.04.2013 to 31.03.2016. It is contended by the petitioner that suddenly on 15.09.2015, the first respondent without serving any notice or affording any opportunity, lifted the shop. According to the petitioner, now the aforesaid period is expired, the 1st respondent illegally removed from the aforesaid property in question, when the license period is in existence. Therefore, the petitioner seeks for restoring the possession of petitioner in the aforesaid land for the remaining period.

3. The learned Standing Counsel appearing for the first respondent Corporation submits that the said period has already been over and therefore, now the petitioner cannot entitle to seek for further period or to restore the shop in the aforesaid property in question.

4. Considering the facts and circumstances of the case, we are of the view that aforesaid contract is a contractual obligation between the parties and the



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license period was extended only upto 31.03.2016 and therefore, this Court cannot rewrite the aforesaid agreement entered between the parties. Hence, the prayer sought for by the petitioner cannot be granted.

5. Accordingly, this Writ Petition is dismissed. However, for illegal removal of the petitioner's shop during the license period, it is open to the petitioner to approach before the competent civil Court for compensation. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.] [M.S.K., J.]
09.01.2024

Neutral Citation: Yes / No
Index : Yes / No
vsm



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