



W.P.No.27852 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.27852 of 2022

and

W.M.P.Nos.27144 & 27145 of 2025

R.Kumar

... Petitioner

Vs.

1.The Managing Director,
Agriculture Products & Agriculture Marketing Department,
No.116, 100 feet Road,
SIDCO Industrial Estate,
Guindy, Chennai.

2.The Secretary,
Agriculture Products & Agriculture Marketing Department,
Judges Guest House Road,
Cuddalore.

3.The Marketing Superintendent,
Regulated Market Committee,
Cuddalore Road, Virudhachalam,
Cuddalore District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the



W.P.No.27852 of 2022

entire records of the 2nd respondent pertaining public auction Na.Ka.No.D3/1038/18 dated 06.10.2022 auction held on 21.10.2022 and quash the same consequently direct the 2nd and 3rd respondent to extend the lease of the petitioner for the Virudhachalam Warehousing, Virudhachalam based on the petitioner representation dated 28.07.2022 and 03.10.2022.

For Petitioner : Mr.M.Selvam

For Respondents : Mr.M.Rajendiran

Additional Government Pleader [R1]

Mr.R.Kumaravel

Additional Government Pleader [R2 & R3]

ORDER

This Writ Petition has been filed by the petitioner seeks a Writ of Certiorarified Mandamus, to call for the entire records of the 2nd respondent pertaining public auction Na.Ka.No.D3/1038/18 dated 06.10.2022 auction held on 21.10.2022 and quash the same and consequently, to direct the respondents 2 and 3 to extend the lease of the petitioner for the Virudhachalam Warehousing, Virudhachalam based on his representations dated 28.07.2022 and 03.10.2022.



W.P.No.27852 of 2022

WEB COPY

2. It is case of the petitioner that he obtained lease of 25 metric ton capacity of godown in Virudhachalam Warehousing complex from 04.12.2014 to till date and he is holding the above godown by paying regular lease cum rental amount without any default or delay and also paying the electricity charges for the same. Whiles, he submitted a representation dated 28.07.2022 requesting the respondents to renew petitioner's lease cum rental period for further period. On 14.09.2022, the 3rd respondent issued a tender notice calling for applications from the public to lease the above godown and the auction date was fixed on 28.09.2022. As there was no application from the public, the auction was not conducted on the said date. Even thereafter, since the petitioner's representation dated 28.07.2022 was not considered, the petitioner has sent a reminder letter dated 03.10.2022 to the respondents. Without considering the petitioner's representations, the 2nd respondent issued auction notice on 06.10.2022 for the auction on 21.10.2022. Challenging the same, the petitioner has filed the present writ petition.

3. The learned counsel for the petitioner submits that the petitioner has entered as a lessee in the year 2014 and he has been



W.P.No.27852 of 2022

WEB COPY

continuously enjoying the property till 31.08.2022. However, without considering his request for extension of lease period, the 2nd respondent issued the impugned public auction notice to lease the property, which is wholly unsustainable. Accordingly, he prays for allowing this writ petition.

4. Per contra, the learned Additional Government Pleader appearing for the respondents 2 and 3 submits that the petitioner is a lessee under the 3rd respondent from the year 2014. Initially, the lease period was extended for a period of 6 months and thereafter, 11 months. After 31.08.2022, he is enjoying the subject property for more than eight years. He is not entitled to enjoy the same and public auction has to be conducted in respect of the subject property. From 01.09.2022 to till date, the petitioner is unauthorizedly enjoying the property without any enhancement of lease amount, which is impermissible. Accordingly, he prays for dismissal of the writ petition.

5. Heard the learned counsel for the parties and also perused the materials available on record.



W.P.No.27852 of 2022

WEB COPY

6. Initially, the petitioner has entered a lease for the 25 metric ton godown owned by the 3rd respondent from 04.12.2014. It is equally an undisputed fact that the lease was periodically extended for a period of 11 months till 31.08.2022. After 31.08.2022, the 3rd respondent decided to go for public auction in respect of the subject property and the same was stalled by the petitioner as if his request for extension of lease period is pending with the 3rd respondent. However, when a person is enjoying the property continuously for more than nine years, he is not entitled to continue to enjoy the property with enhancement of lease amount by 15% alone. The maximum period of lease is nine years only. Since already the maximum lease period of nine years is over, the petitioner is not entitled to continue the lease. Therefore, the 2nd respondent has issued the impugned public auction notice, which does not warrant interference and this writ petition is liable to be dismissed.

7. At this juncture, the learned counsel for the petitioner submits that this Court may permit the petitioner to remove the machineries which was in the godown of the 3rd respondent, within a reasonable time that may be fixed by this Court.



W.P.No.27852 of 2022

WEB COPY

8. Accordingly, this Writ Petition is dismissed. The petitioner is at liberty to remove the machineries from the godown of the 3rd respondent, within a period of four (4) weeks from the date of receipt of a copy of this order. Thereafter, the respondents shall conduct public auction as per the Rules and in which, the petitioner is entitled to participate, provided if he clears all the dues, if any, not paid, to the 3rd respondent, before the commencement of public auction. No costs. Consequently, the connected miscellaneous petitions are closed.

08.10.2025

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
sp



W.P.No.27852 of 2022

WEB COPY To

- 1.The Managing Director,
Agriculture Products & Agriculture Marketing Department,
No.116, 100 feet Road,
SIDCO Industrial Estate,
Guindy, Chennai.
- 2.The Secretary,
Agriculture Products & Agriculture Marketing Department,
Judges Guest House Road,
Cuddalore.
- 3.The Marketing Superintendent,
Regulated Market Committee,
Cuddalore Road, Virudhachalam,
Cuddalore District.



WEB COPY



W.P.No.27852 of 2022

M.DHANDAPANI, J.

sp

W.P.No.27852 of 2022

08.10.2025