
(2000) 08 DEL CK 0119
In the Delhi High Court
Case No : CW. No. 3717 of 2000

Salt Movement and Others	Vs	APPELLANT
State of Kerala and Another		RESPONDENT

Date of Decision : 16-08-2000

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2000) 56 DRJ 690

Hon'ble Judges : Manmohan Sarin, J

Bench : Single Bench

Advocate : Mr. Wills Mathews, for the Appellant; Mr. C.S. Vaidyanathan and Mr. G. Prakash, for the Respondent

Judgement

Manmohan Sarin, J.—The petitioner Society has filed this writ petition seeking quashing of the decision of the State of Kerala to lease out a portion of Travancore House, New Delhi to a Private Television Channel Company, namely, M/s. Malyalam Communications Pvt. Ltd. Petitioners inter alias seek of writ of mandamus to the respondents, to provide facilities like reading room, library, public relations office etc. located at the Travancore House.

2. Petitioners claim to be an Association/forum for social, economic, cultural and intellectual uplift and welfare of one million Carnalities stated to be living in Delhi.

3. Learned counsel for the petitioner Association, Mr. Mathews, has urged before me that the respondents in taking a decision to lease the premises to M/s. Malayalam Communication Ltd., running a Malyalam TV Channel, has belied the just and legitimate aspirations of a million Keralities in Delhi of having reading room, library and a cultural centre in the premises. Learned counsel has also assailed the said decision on the ground that it lacked transparency as the premises are sought to be let out, without following the tender process. The action, it is alleged, is motivated to do favor to a private party which enjoys the patronage of a member of the CPM coalition Govt. in Kerala. Learned counsel has also filed an additional affidavit, wherein the apprehension expressed is that the

premises were being given on lease on a perpetual basis and the terms of agreement were not being disclosed. It was urged that it was not clear whether the agreed rent was Rs. 75/- per sq.ft. p.m. or per annum.

4. Mr. Vaidyanathan, Sr. Advocate with Mr. G. Prakash on receiving the advance copy of the writ petition, have appeared before the Court. On behalf of Respondents learned Senior Counsel Sh. Vaidyanathan on instructions states that the entire Travancore House had been let out to the MRTTP Commission on a monthly rental of only Rs.16,800/- per month till 1992, when it was got vacated. The building is presently occupied by: (a) The State Bank of Travancore (b) M/s Keltron, a State Govt. undertaking, (c) Kerala State Electricity Board, (d) Cauvery Cell of the State Govt. and lastly 2500 sq.ft. on the first floor by M/s Malayalam Communications Pvt.Ltd. He further clarified the rental of M/s Malayalam Communications Pvt. Ltd. is @ Rs.75/- per sq. ft., totalling Rs.1,50,000/- p.m. Counsel submits that the agreed rent for the premises is commensurate with the prevailing market rent in the locality. The period of the lease is of three years and not a perpetual lease as apprehended by petitioner. Learned counsel also urged that the petitioner has no locus to assail the decision of the State Govt. to let out a portion of the premises.

5. Considering that almost the entire premises are in occupation of different public sector undertakings and Departments of the State Govt., the decision of the State Govt. to let out a portion of the premises to a Private party, which would fetch commercial rent cannot be questioned in these proceedings. There is also merit in the submission of the learned counsel for the respondent that the agreed rent under the lease is commensurate with the prevailing rents in the locality. The petitioner cannot seek a writ of mandamus that the State Govt. be compelled to make out a Public Information Centre or cultural centre or a public library in the premises. The apprehensions of the petitioner that the premises have been let out on perpetual basis stand belied since learned counsel for the respondents has stated that the lease granted is only for a period of three years. Learned counsel for the respondent has also stated that the premises shall used in accordance with the statutory regulations and Municipal bye laws.

6. The writ petition has no merit and is dismissed in limine.