

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20/11/2015

C O R A M

THE HON'BLE Mr.JUSTICE T.S.SIVAGNANAM

W.P.No.37096 of 2015

A. Poyamozhi

...Petitioner

Vs

1. The District Collector
Kancheepuram District.
2. The Block Development Officer
Achirupakkam Union
Maduranthakam Taluk
Kancheepuram District.
3. The Tahsildar
Maduranthakam Taluk
Kancheepuram District.
4. The Village Administrative officer
Achirupakkam Union
Maduranthakam Taluk
Kancheepuram District.
5. The President
Pallipettai Village Panchayat
Achirupakkam Union
Maduranthakam Taluk
Kancheepuram District.

...Respondents

WEB COPY

Prayer:-Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the respondents to consider and pass orders on the petitioner's representation dated 29/10/2015 with regard to renewal of tender from 2014-2015 to 2015-2016 for collecting the vehicle parking fee and shop fees at mazhai Malai Matha Temple, Kalainar Nagar, Pallipettai, Achirupakkam Union, Kancheepuram District.

For petitioners ... Mr.R.Sathiyaraj
For respondents ... Mr.R.Rajeswaran, Spl.G.P
for R.R.1, 3 and 4.

Mr.E.R.A.Premnath, GA
for R.R.2 and 5.

O R D E R

With the consent of the learned counsel appearing for the parties, the main writ petition is taken up for final disposal.

2. Heard Mr.R.Sathiyaraj, learned counsel for the petitioner, Mr.R.Rajeswaran, learned Special Government Pleader for the respondents 1, 3 and 4 and Mr.E.R.A.Premnath, learned Government Advocate for the respondents 2 and 5.

3. This writ petition has been filed praying to direct the respondents to consider and pass orders on the petitioner's representation dated 29/10/2015 with regard to renewal of tender from 2014-2015 to 2015-2016 for collecting the vehicle parking fee and shop fees at mazhai Malai Matha Temple, Kalainar Nagar, Pallipettai, Achirupakkam Union, Kancheepuram District.

4. The learned counsel appearing for the petitioner submits that in terms of the Tamil Nadu Panchayats (Procedure for Conducting Public Auction of Leases and Sales in Panchayats) Rules, 2001 (hereinafter "the Rules"), the petitioner is entitled to renewal of lease for a further period. In this regard, the learned counsel relied upon Rule 4 and 11 of the said Rules.

5. On a perusal of the said Rules, it is seen that Rule 4 deals with Lease of land and immovable property belonging to a Panchayat and Rule 11 deals with the period of lease. Since the petitioner was granted a licence to collect fees from the shops and vehicles, it cannot be treated as a lease akin to a lease of land and immovable property. Therefore, Rule 4 would not have any application. So far as Rule 11 is concerned, it clearly says that the maximum lease period for the use of public places like markets/fair during festivals, landing and halting places, bus stand, cart stand, etc., is one year. Further Rule 11 does not contemplate any renewal of right to collect fees beyond a period of one year. Therefore, the petitioner has no vested right to get the license extended beyond the period already granted. Hence no purpose would be served by directing the respondents to consider the petitioners representation.

6. Accordingly, the writ petition fails and is dismissed. The dismissal of the writ petition will not prevent the petitioner from participating in the tender which may be called for by the respondent. No costs.

sd/
ASSISTANT REGISTRAR (CS-IV)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

mvs.

To

1. The District Collector
Kancheepuram District.
2. The Block Development Officer
Achirupakkam Union
Maduranthakam Taluk
Kancheepuram District.
3. The Tahsildar
Maduranthakam Taluk
Kancheepuram District.
4. The Village Administrative officer
Achirupakkam Union
Maduranthagam
Kancheepuram District.
5. The President
Pallipettai Village Panchayat
Achirupakkam Union
Maduranthakam Taluk
Kancheepuram District.

+1 CC to MR.Sathiyaraj Advocate. SR.NO. 63501
+1 CC to Govt.Pleader. SR.NO. 63185

W.P.No.37096 of 2015

AR-IV
JD 27/11/2015