

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P.NO.9124 OF 2015
and M.P.NOS.1 and 2 OF 2015

1. V.Chakravarthy @ Vanniya Chakravarthy
2. N.Pavadai
3. G.Sumathi .. Petitioners

Vs

The Executive Officer,
Manalmedu Town Panchayat,
Grade I, Manalmedu Post,
Myladuthurai Taluk,
Nagapattinam District. .. Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus calling for the records of the impugned auction notification dated 12.03.2015 made in Na.Ka.No.100/2015 issued by the respondent herein and quash the same and consequently direct the respondent to allot the shops to the petitioners by increasing 15% margin of the earlier rent fixed by the respondent based on the petitioners application dated 16.03.2015 and 18.03.2015 respectively.

For Petitioners : Mr.K.Balu

For Respondent : Mr.S.Sounthar

O R D E R

Heard Mr.K.Balu, learned counsel appearing for the petitioners and Mr.S.Sounthar, learned Standing Counsel for the respondent Town Panchayat.

2. The challenge made in this writ petition is to the auction notification dated 12.03.2015 made in Na.Ka.No.100/2015 issued by the respondent herein with a prayer to direct the respondent to allot the shops to the petitioners by increasing 15% margin of the earlier rent fixed by the respondent based on their application dated 16.03.2015 and 18.03.2015 respectively.

3. The petitioners are all petty traders trading in the shops owned by the respondent Town Panchayat. The petitioners are aggrieved by the impugned auction notification bringing for auction of the said shops for the year 2015-2016, i.e., for the period commencing from 01.04.2015 to 31.03.2016 and the auction is scheduled to be conducted tomorrow, i.e., on 31.03.2015. The petitioners, though admit that they have been in occupation of the said area / shops for almost two decades, would submit that if the shops are brought for public auction, there will be several bidders and their right to livelihood would be affected.

4. However, it has to be noted that the lease granted in favour of the petitioners was in respect of the property owned by the Town Panchayat. Therefore, the petitioners cannot claim any vested right that they alone should be permitted to continue in the area / shops and the lease shall be extended indefinitely. In fact, 20 years is fairly a long period and even as per the G.O.Ms.No.92, the petitioners are not entitled for automatic renewal beyond nine years.

5. It is submitted by the learned counsel for the respondent / Town Panchayat that initially the licence fee was fixed at 50 paise per day, which was increased to Rs.9/- per day, which is being paid by the petitioners and the market rate will be more than Rs.50/- per day.

6. In any event, the auction is scheduled to be conducted tomorrow, i.e., on 31.03.2015 and at this juncture, this Court is not inclined to interdict the impugned proceedings, more so, when the petitioners are in possession of the area / shops for more than 20 years and the financial interest of the respondent Town Panchayat is also to be protected.

7. Accordingly, there will be a direction to the petitioners to participate in the auction to be conducted on 31.03.2015 and offer their bids and while considering their offer, the respondent shall also take note of the long occupation of the petitioner into consideration and decide the matter in a pragmatic manner.

8. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

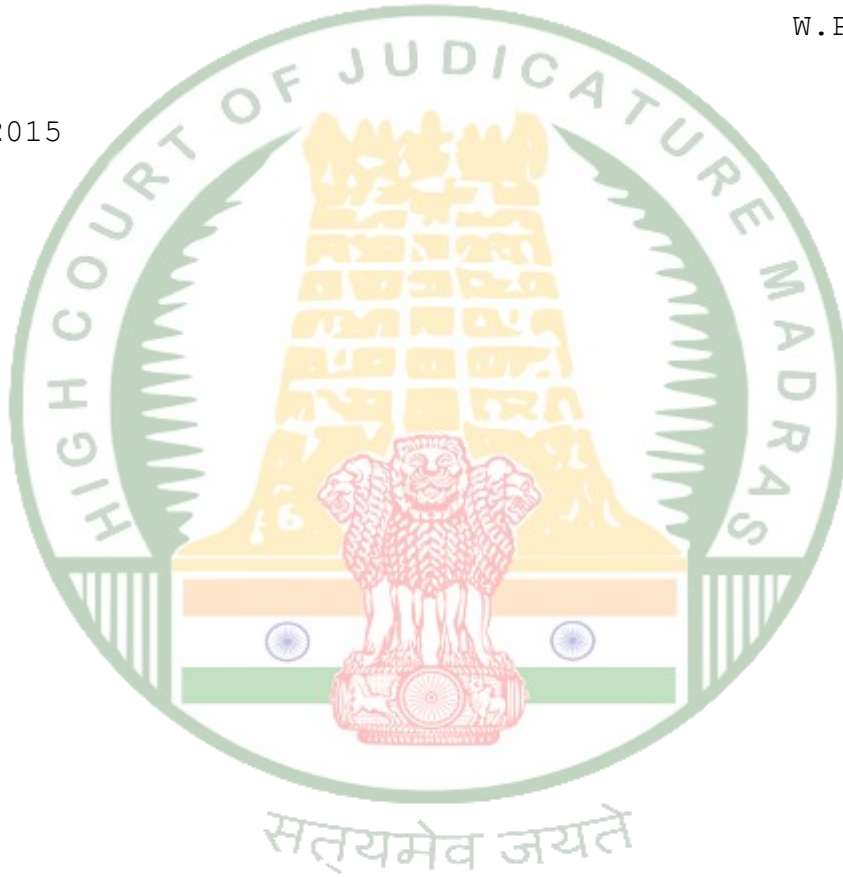
The Executive Officer,
Manalmedu Town Panchayat,
Grade I, Manalmedu Post,
Myladuthurai Taluk,
Nagapattinam District.

1 cc to Mr.K.Balu ,Advocate, SR.No.17805

1 cc to Mr. S.Sounthar,Advocate, SR.No.17766

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