

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.9463 of 2015 and
M.P.No. 1 of 2015.

C.M.Sakthivel

... Petitioner

Vs.

1. The Director of Town Panchayat,
Kuralagam,
Chennai-108

2. The District Collector,
Salem District,
Salem

3. The Executive Officer,
Macheri Selection Grade Town
Panchayat,
Salem, Salem District

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus to call for the records relating to the proceedings of the third respondent in Na.Ka.No.7/2015 dated 16.3.2015 and quash the same and consequently direct the respondents herein to conduct the public auction to lease out the Mecheri Selection Grade Town Panchayat Commercial Complex Shops, Varaccantai Shops, and buses stand shops and consequently direct the respondents to conduct the auction as per the procedure set out in Tamil Nadu Panchayat (Procedure for conducting public auction of leases and sales in Panchayats) Rules, 2001.

For Petitioner : Mr.T.Dharani

For Respondents : Mr.S.Gunasekaran
Govt. Advocate

ORDER

Heard Mr.T.Dharani, the learned counsel for the petitioner and Mr.S.Gunasekaran, learned Government Advocate appearing for the respondents and with the consent of either side, the writ petition itself is taken up for final disposal at the admission stage.

2. The grievance of the petitioner is that till date public auction has not been conducted for the shops owned by the Town Panchayat and all the existing lessees are repeatedly continuing in possession from 1999. The petitioner states that on account of the continuance of the old lessees, the Town Panchayat is put to great financial loss. The persons like the petitioner are not able to bid the auction. The petitioner has referred to G.O.Ms.No.92, dated 03.07.2007, stating that the said Government order has directed the Town Panchayat to extent the existing lease on offering 15% over and above the lease amount fixed earlier.

3. Therefore, unless and until the Government Order is held to be illegal, the prayer sought for by the petitioner cannot be granted. Accordingly, the writ petition is disposed of leaving it open to the petitioner to work out his remedies in the manner known to law. No costs. Connected miscellaneous petition is closed.

msk

-s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

1. The Director of Town Panchayat,
Kuralagam,
Chennai-108

2. The District Collector,
Salem District,
Salem

3. The Executive Officer,
Macheri Selection Grade Town
Panchayat,
Salem, Salem District

+ 1 cc to M/s.T.Dharani, Advocate SR 18688

+ 1 cc to M/s.S.Gunasekaran, Govt. Advocate SR 17994

+ 1 cc to Govt.Pleader, High Court, Madras SR 18406

rsk(co)
prk13/4

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