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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :11.06.2015

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD) .No.4165 of 2015

B.Petchiammal

... Petitioner

Vs

1.The District Collector,
Madurai District, Madurai.

2.The Additional Director of Panchayat (Panchayat Division),
Madurai Collectorate, Madurai.

3.The Commissioner,
Usilampatti Panchayat Union,
Usilampatti, Madurai District.

... Respondents

This Writ Petition has been filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents to implement the order of the first respondent in proceedings Na.Ka.No.670/2011/A2 dated 17.09.2011 within the time stipulated by this Court.

For petitioner : Mr.AN.Ramanathan

For R.1&2 : Mr.TR.Janardhanam
Spl.Govt.Pleader

For R.3 : Mr.V.Muruganandham
Govt.Advocate

ORDER

This Writ Petition has been filed praying for a Writ of Mandamus directing the respondents to implement the order of the first respondent in proceedings Na.Ka.No.670/2011/A2 dated 17.09.2011, wherein, the Collector himself, on spot inspection, found that the shops belonging to the third respondent, are being sub-let by the lessees, on higher rent. Eventually, he recommended for a public auction of the property of the third respondent in the year 2011 itself.

2. The main grievance of the petitioner is that, inspite of such strong communication from the first respondent, without going for public auction, the third respondent decided to extend lease period, which is against the proceedings of the first respondent dated 17.09.2011.

3. After instructions, the learned Standing Counsel for the third respondent, namely, the Block Development Officer, produced the



proceedings dated 17.04.2015, wherein, he communicated to the first respondent seeking appropriate orders either to decide the lease to be extended to the lessees or go for an public auction to be conducted for the above-said shops.

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4. It is highly to be deprecated that inspite of the fact that the Collector himself has found irregularities wayback in the year 2011 in the shops being run by the third respondent, the third respondent is sleeping over the matter for his pecuniary benefits. As a word of caution, the third respondent shall atleast keep in mind that every penny collected by way of lease/contract is a revenue for the Government and the said amount is spent for the welfare of the people at large and prosperity of this Country. Therefore, this Court cannot shut its eyes to the inaction on the third respondent in a casual manner, like the case on hand, when the irregularities are brought to the notice of this Court, clandestinely. Hence, the first respondent is directed to pass appropriate orders for auctioning the property in question, as expeditiously as possible, preferably, within a period of six weeks from the date of receipt of a copy of this order. Till such time, no extension of lease be made to any of the shop owners. Since the revenue of the Government is utmost important in such type of matters, the first respondent is also directed to take appropriate action against the persons, who sub-let the shops in question.

With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (Crl.Side)

\\True copy\\

Sub Assistant Registrar

To

1.The District Collector,
Madurai District, Madurai.

2.The Additional Director of Panchayat (Panchayat Division),
Madurai Collectorate, Madurai.

3.The Commissioner,
Usilampatti Panchayat Union,
Usilampatti, Madurai District.

+1cc to Mr.AN.Ramanathan, Advocate Sr.No.30023

+1cc to The Spl.Govt.Pleader, Sr.No.30508

ssm

akm/30.06.15 /2p-6c/