

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SURESH KUMAR

W.P.No.12059 of 2010 and

M.P.No.1 of 2010

O.C.Kettimuthu ...Petitioner

-Vs-

1. The District Collector,  
Erode District, Erode.

2. The Commissioner,  
Modakurichi Panchayat Union,  
Modakurichi,  
Erode District.

3. Thiru. P.S.Balsubramanian, ...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records relating to Pro.Na.Ka.No.706/10/A4 dt.29.3.2010 of the 2nd respondent and to quash the same and to issue consequential directions to respondents land 2 to conduct fresh auction after wide publicity as per rules for the year 2010-2011 of the right to enjoy the usufructs of 98 coconut trees around the Community Hall near Dheeran Chinnamalai Kalyanamandapam at Odanilai in Modakurichi Panchayat Union.

For Petitioner : Mr.J.Muthukumaran  
For R1 : Mr.V.Jayaprakash Narayanan  
For R2 : Mr.P.Muthukumar  
For R3 : Mr.P.Muthukumarasamy

O R D E R

The petitioner has come out with this writ petition for the issuance of writ of certiorarified mandamus calling for the records relating to Pro.Na.Ka.No.706/10/A4 dt.29.3.2010 of the 2nd respondent and to quash the same and to issue consequential directions to respondents land 2 to conduct fresh auction after wide publicity as per rules for the year 2010-2011 of the right to enjoy the usufructs of 98 coconut trees around the Community Hall near Dheeran Chinnamalai Kalyanamandapam at Odanilai in Modakurichi Panchayat Union.

2. In the impugned order dated 29.3.2010, the second respondent has given lease hold rights to the third respondent to take the benefit of coconut grove belonging to the second respondent/Panchayat Union. The lease period is for one year from 01.4.2010 to 31.3.2011. Though the petitioner has come out with the writ petition, challenging the said order dated, 29.3.2010, no interim order was granted and the lease period one year was also over by 31.3.2011.

3. According to the learned counsel appearing for the second respondent, the benefits are taken only by the Panchayat Union. Further, since the lease period itself was over already in the year 2011, no relief could be granted at this stage to the petitioner.

4. In view of the said fact, the writ petition is liable to be dismissed and accordingly, the same is dismissed. However, it is for the Panchayat Union to go for further auction or lease to enable the eligible persons to participate, if the second respondent is willing to let it for lease to third parties. In such case, it is also open to the petitioner to participate in the fresh lease. Consequently, connected miscellaneous petition is closed. No costs.

sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

To

1. The District Collector,  
Erode District, Erode.

2. The Commissioner,  
Modakurichi Panchayat Union,  
Modakurichi,  
Erode District.

+1 cc to The Government Pleader Sr.No.57880

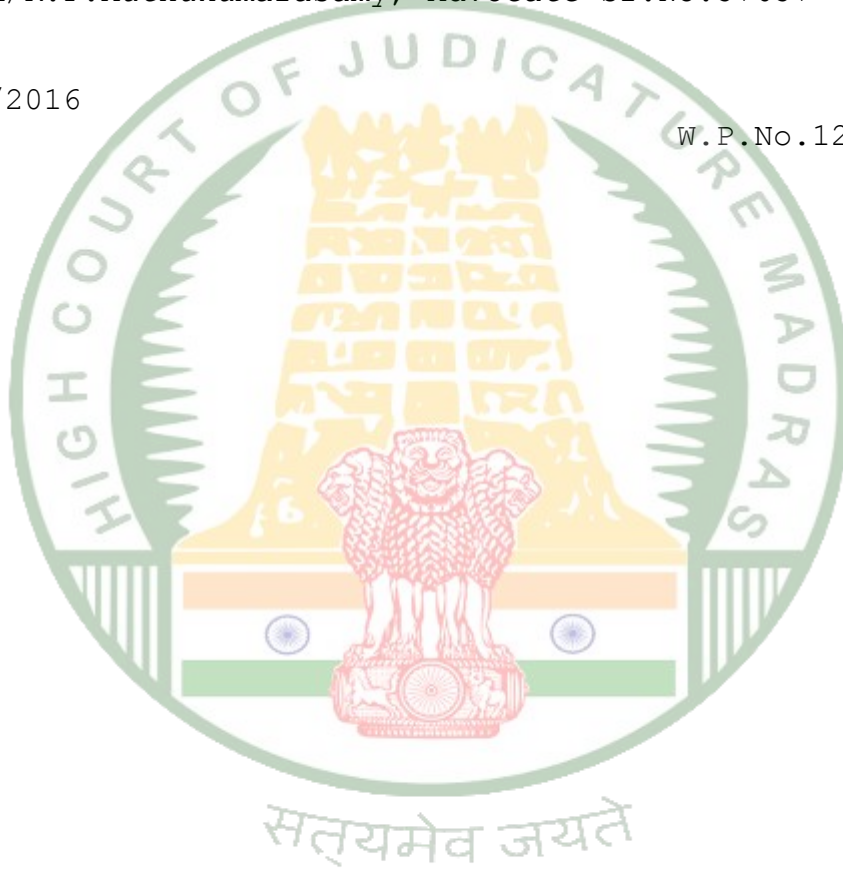
+1 cc to M/r.J.Muthukumaran, Advocate Sr.No.57761

+1 cc to M/R.P.Muthukumarasamy, Advocate Sr.No.57657

RSI (CO)

RRI 22/10/2016

W.P.No.12059 of 2010



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