

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2016

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

W.P. No. 22676 of 2016

&

W.M.P. Nos. 19387 & 19388 of 2016

1.S. Balaiah @ Arokiados
2.A. Mujibur Rahman
3.D. Dayalan
4.S. Babu

.... Petitioners

Vs.

1. The District Collector,
Kancheepuram District,
Kancheepuram.
2. The Assistant Director (Panchayats),
Kancheepuram District.
3. The Tahsildar,
Thiruppor Taluk,
Kancheepuram District.
4. The President,
Kelambakkam Panchayat,
Thiruppor union,
Kancheepuram District.

... Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Certiorarified Mandamus to call for the records relating to the proceedings of the 4th respondent vide in his proceedings Tender Na.Ka. No. 12/2016 dated 27.05.2016 and quash the same and consequently direct the 1st respondent herein to re-allot the newly constructed shops to the petitioners situated in Survey No. 87B/1 at Kelambakkam Bus Stop, Thiruporur Taluk, Kancheepuram District, pursuant to the representation dated 02.05.2016 within a stipulated time prescribed by this Court.

For Petitioners : Mrs. Indhumathi for
Mr.L. Uthayakumar

For Respondents : Mr.V. Jayaprakash Narayanan,
Special Government Pleader

O R D E R

The petitioners have filed the present writ petition challenging the auction notice dated 27.05.2016 by which the shops belonging to the 4th respondent Panchayat are sought to be auctioned on 10.06.2016.

2. Learned counsel for the petitioners contended that the petitioners are original lessees of shops constructed and owned by Kelambakkam Panchayat and for the purpose of demolition and reconstruction of the premises, where the shops are located, the petitioners were evicted and subsequent to the construction of the new building, by the impugned notice, the shops in the said building are sought to be allotted by way of auction and therefore, questioning the impugned auction notice and seeking re-allotment of shops, the petitioners have come forward with the present writ petition.

3. However, Mr.V. Jayaprakash Narayanan, learned Special Government Pleader appearing for the respondents would submit that auction was conducted on 10.06.2016 itself ; rental agreements were executed by the 4th respondent in favour of the successful bidders on 13.06.2016; possession was handed over to them on the same day and the new tenants have also paid their first monthly rent on 09.07.2016. The relevant portion at paragraph No.16 of the counter affidavit, reads thus:

"16. It is respectfully submitted that the tender notification was published in the newspaper and on 10.06.2016, the tender form was opened and the shop was allotted to successful bidders. Thereafter, the agenda was placed before the Panchayat Council for handing over the shops to the selectee and the same was accepted by the council vide resolution No.53. Accordingly, a rental agreement was executed by the 4th respondent in favour of the selectees on 13.06.2016 and on the same day itself, the possession was handed over to them. It is pertinent to mention here that the new tenants were paid their 1st month rents on 09.07.2016. Therefore, there is no violation in the auction proceedings. Therefore, the allegations contained in Para 11 to 13 are false and baseless."

4. In the light of the above averments at paragraph No.16 of the counter affidavit and considering the fact that the writ petition itself came to be filed only on 24.06.2016, after the auction was over and the new shops were handed over to the allottees, the writ petition is dismissed as infructuous. No costs. Connected W.M.Ps are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

nv

To

1. The District Collector,
Kancheepuram District,
Kancheepuram.
2. The Assistant Director (Panchayats),
Kancheepuram District.
3. The Tahsildar,
Thiruppor Taluk,
Kancheepuram District.
4. The President,
Kelambakkam Panchayat,
Thiruppor union,
Kancheepuram District.

+1cc to the Government Pleader, S.R.No.41681

W.P. No. 22676 of 2016

AK(CO)
CA(09/08/2016)

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