

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :26.04.2016

CORAM

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

C.R.P.(PD) No.4698 of 2010
and
M.P.No.1 of 2010

1. Pownammal
2. Jothiramalingam
3. Babu
4. Suresh
5. Munusamy
6. Kumar
7. M.Suresh Mani
8. Dhandapani
9. Premkumar
- 10.Jerrina Mary

... Petitioners

vs.

- 1.The Block Development Officer/Commissioner,
Panchayat Union Office, Thandarampattu.
- 2.The President,
Thanipadi Village Panchayat, Thanipadi Town,
Thandarampattu Talu,
Tiruvannamalai District.

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the Judgment and Decretal Order dated 10.12.2010 passed in I.A.No.132 of 2010 in C.M.A.No.9 of 2010 on the file of the Principal Subordinate Judge, Tiruvannamalai, confirming the Judgment and Decretal Order dated 9.11.2010 passed in I.A.No.200 of 2010 in O.S.No.415 of 2010 on the file of the District Munsif, Chengam.

For Petitioners : Ms.R.Sripriya
for M/s.V.Raghavachari

For 1st respondent : Mrs.R.Revathy

For 2nd respondent : No appearance

ORDER

This Civil Revision Petition arises against the fair and decretal Order dated 10.12.2010 passed in I.A.No.132 of 2010 in C.M.A.No.9 of 2010 on the file of the Subordinate Judge, Tiruvannamalai, confirming the order and decretal order dated 9.11.2010 passed in I.A.No.200 of 2010 in O.S.No.415 of 2010 on the file of the District Munsif, Chengam.

2. The revision petitioners filed the suit in O.S.No.415 of 2010 on the file of the District Munsif, Chengam, praying to declare that the Notification dated 16.9.2010 caused and published in Daily Thanthi by the 2nd defendant/2nd respondent for the proposed re-auction of suit shops on 22.9.2010 as null and avoid, and to grant permanent injunction restraining the defendants their men, agents, servants etc., from conducting re-auction for the suit shops and for costs.

3. According to the revision petitioners, the second defendant is the owner of the suit shops. The defendants conducted a public auction for leasing out the suit shops as per the Tamilnadu Panchayats Act 1994 and the revision petitioners/plaintiffs were declared as the successful bidders of the suit shops in the auction held on 13.9.2001, and the lease period was renewed from time to time till 31.11.2008 and they continue to stay in the suit premises. In the meantime, the 2nd defendant issued Notification dated 16.9.2010 in Daily Thanthi inviting tenders for the suit shops. The grievance of the petitioners is that the petitioners are entitled for renewal of the lease period for a further period of 3 years on payment of 15% additional rent and as such, they are entitled to occupy the suit premises till 30.11.2011.

4. At this stage, it is submitted by Mrs.R.Revathy, learned counsel appearing for the first respondent that as the relief sought for, viz., the extension of lease period from 01.12.2008 to 30.11.2011, was expired and that auction was also conducted on 21.12.2013 for the lease period from 1.1.2014 to 31.12.2016, the suit itself has become infructuous and consequently, the Civil Revision Petition is liable to be dismissed as infructuous.

5. The said statement cannot be disputed by the revision petitioners.

6. In the light of the above submissions and considering the facts of the case, this Civil Revision Petition is dismissed as infructuous. The connected Miscellaneous Petition is closed. No costs.

26.04.2016

Index : yes / no

Internet :yes / no

asvm

To

- 1.The Principal Subordinate Judge,
Tiruvannamalai.
- 2.The District Munsif, Chengam.

D.KRISHNAKUMAR, J.

(asvm)

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