

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.A.No.771 of 2016

The Executive Officer
Pennagaram Town Panchayat
Pennagaram
Dharmapuri District ... Appellant

-vs-

1. K.Madhaiyan
2. C.Annadurai
3. P.V.Krishnamurthy
4. P.S.Nawab John
5. M.Alagammal ... Respondents

Appeal under Clause 15 of the Letters Patent, against the order dated 07.12.2015 made in W.P.No.16430 of 2015 Writ Petition filed under article 226 of the Constitution of India, praying to issue a writ of Mandamus to direct the respondent to permit the petitioners to run the shops in shop Nos.1 to 5 Bus stand, Pennagaram, Dharmapuri District by giving one year time and giving assurance to the petitioner after constructing the shops will be hand over to the petitioners by fixing rent as per Government Guideline.

For Appellant सत्यमेव जयते :: Mr.V.Jayaprakash Narayanan

For Respondents :: Mr.C.Prakasam

JUDGMENT

(Judgment of the Court was made by HULUVADI G.RAMESH, J.)

This appeal, at the instance of the Executive Officer of Pennagaram Town Panchayat, is against the order of the learned single Judge dated 7.12.2015 in Writ Petition No.16430 of 2015.

2. Heard both sides.

3. It is represented by the learned counsel on either side that in pursuance of the order of this Court, the matter has been settled before the Lok Adalat on 24.8.2016 and the parties, after mutual discussion, have arrived at the settlement between them, which are as follows:-

"(i) The respondents shall continue as tenants, on the basis of the payment of rent, which can be enhanced from 01.04.2015 at the rate of 30%, as fixed by the Government of Tamil Nadu and all the respondent/tenants have agreed for the same to pay the enhanced rent.

(ii) In case, the shops occupied by the respondents/tenants are demolished by Pennagaram Town Panchayat, in future, on re-construction, the shops shall be allotted to the present respondents/tenants and the rent shall be fixed on the basis of the Government Rate and the respondents/tenants have also agreed to pay the rent fixed by the Government of Tamil Nadu at the time of allotment of the shops.

(iii) Till date, the respondents/tenants have been paying the amount towards rent for the shops to the Director of Town Panchayat and it is open to the Pennagaram Town Panchayat to collect the same from the Director of Town Panchayat, the amount deposited towards rent by the respondents/tenants.

(iv) It is open to the respondents/tenants to pay the rent to the town panchayat directly from the month of September 2016 and the same shall be received by the Pennagaram Town Panchayat.

(v) In the matter of allotment of the shops, on re-construction, the respondent/tenants shall be given the first option to take the shops on the rental basis and if it is possible, the allotment of shops shall be done in the same place, where they are carrying on the business till date.

(vi) It is made clear that if the respondents/tenants are not willing to take the shops, it will be open to the Pennagaram

Town Panchayat to let out the shops in auction and it is also open to the respondents/tenants to participate in the open auction."

4. Recording the above terms of settlement arrived at between the parties, this writ appeal stands disposed of. Consequently, C.M.P.No.9978 of 2016 is closed. No costs.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

ss

To

1. The Executive Officer
Pennagaram Town Panchayat
Pennagaram
Dharmapuri District

2 The Director of Town Ponchayat,
Kuralagem, Chennai

+1 CC to M/s. C. Prakasam, Advocate Sr.50023

+1 CC M/s. V. Jayaprakash Narayanhan Spl., Government Pleader,
Sr.NO.49700

W.A.No.771 of 2016

MP (CO)
MD : 21/09/2016

सत्यमेव जयते

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