

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2016

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.41350 of 2016

T.Kannan

.. Petitioner

Vs

1.The District Collector,
Erode.

2.The Chairman,
Perundurai Special Grade Town Panchayat,
Perundurai,
Erode District.

3.The Executive Officer,
Perundurai Special Grade Town Panchayat,
Perundurai,
Erode District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus to call for the records of the impugned public notice of the third respondent vide Na.Ka.No.568/2016/A2, dated 17.11.2016, with reference to public auction of shop No.21 in Perundurai Public Bus Stand, Perundurai, Erode District, and to quash the same and further direct the second and third respondents to adhere to the terms and conditions of G.O.Ms.No.92, dated 03.07.2007 of the Department of Municipal Administration and Water Supply and to make fresh assessment and revaluation of lease cum rent for the Shop No.21 in Perundurai Public Bus Stand and pass such further orders.

For petitioners : Mr.T.Narendrakumar

For R1 : Mr.M.Elumalai, GA

For R2 : Mr.S.Navaneethan

For R3 : Mr.R.V.Babu

O R D E R

By way of filing this writ petition, the petitioner seeks to quash the impugned public auction notice dated 17.11.2016 of the third respondent, with a further direction to the respondents 2 and 3 to adhere to the terms and conditions of G.O.Ms.No.92, dated 03.07.2007 of the Department of Municipal Administration and Water Supply and to make fresh assessment and revaluation of lease-cum-rent for the shop No.21 in Perundurai Public Bus Stand.

2. It is seen that the petitioner was allotted shop in the Perundurai Public Bus Stand in the year 2007 as he was the highest bidder in the auction conducted by the respondents 2 and 3 as per the terms of conditions of G.O.Ms.No.92, Municipal Administration and Water Supply Department, dated 03.07.2007. In Column (ii) of paragraph 4 of the said G.O., it is contemplated that the period of lease for a shop will be granted for a period of 3 years at a time and thereafter, the period will be renewed for another 3 years automatically and likewise, the term of lease to a particular lessee will be renewed for 9 years subject to the condition that once in 3 years increase of 15% of the lease amount has to be paid by the person, who has taken the shop. It is further contemplated that after the period of 9 years, the lease-cum-rent amount has to be assessed and revalued afresh and that the preferential right should be given to the existing lessee of the shop.

3. In such circumstances, the only contention of the learned counsel for the petitioner is that as he is the existing lessee of Shop No.21, he should be given preference while allotting the same.

4. Today, when the matter is taken up, learned counsel appearing for the respondents, by bringing to the notice of this Court a proceeding dated 28.11.2016 of the Executive Officer / third respondent addressed to the Additional Government Pleader, submitted that the prayer in the writ petition has become infructuous, since the respondents, by adhering to the terms of the conditions of the G.O.Ms.No.92, Municipal Administration and Water Supply Department, dated 03.07.2007, have allotted shop No.21 to the petitioner, as he was the highest bidder in the auction conducted by them.

5. In view of the above, the prayer in the writ petition has become infructuous. Accordingly, by recording the above said statement of the learned counsel for the respondents, the writ petition is disposed of. No Costs. Consequently, connected miscellaneous are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The District Collector,
Erode.
- 2.The Chairman,
Perundurai Special Grade Town Panchayat,
Perundurai,
Erode District.
- 3.The Executive Officer,
Perundurai Special Grade Town Panchayat,
Perundurai,
Erode District.

+lcc to the Government Pleader, S.R.No.72966

rj (CO)
md(30/12/2016)

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