

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2016

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.44108 of 2016

P.Krishnamoorthy

.. Petitioner

Vs

1. The Inspector of Panchayats
and the District Collector,
Salem District, Salem.
 2. The Executive Officer,
Selection Grade Town Panchayat,
Tharamangalam, Omalur Taluk,
Salem District.
 3. The Special Officer,
Selection Grade Town Panchayat,
Tharamangalam, Omalur Taluk,
Salem 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 relating to the impugned auction notification issued by the respondents 2 and 3 in their office proceedings Na.Ka.No.3/2015/A1, dated 15.12.2016, quash the same and forbear the respondents from in any manner leasing out the portion of the weekly market area comprised in S.No.182/2, Tharamangalam, Omalur Taluk, Salem District, which has been already leased out to the petitioner for constructing temporary shops facing Nangavalli Main Road and Jalagandapuram Main Road, till 31.03.2018.

For petitioner : Mr.P.Mani

For R1 & R3 : Mr.M.Elumalai, GA

For R2 : Mrs.T.Giriya

O R D E R

By way of filing this writ petition, the petitioner seeks to quash the impugned auction notification dated 15.12.2016 issued by the respondents 2 and 3 / the Executive Officer and the Special Officer of the Selection Grade Town Panchayat, Tharamangalam, Salem District, in and by which, they have stated that they would lease out the portion of the weekly market for construction of temporary shops / sheds.

2. Heard the learned counsel appearing on either side.

3. Initially, the petitioner was given lease to collect fees / tolls in the weekly market, Tharamangalam, Salem District, for the period from 01.04.2009 to 31.03.2012. Subsequently, the same was extended, vide G.O.Ms.No.92, dated 03.07.2007, for the next three years i.e. from 01.04.2012 to 31.03.2015. Thereafter, as per the directions of this Court, in W.P.No.6050 of 2015, dated 05.03.2015, the second respondent extended the lease period for the first one year i.e. from 01.04.2015 to 31.03.2016 and again, for the second year, it was extended till 31.03.2017.

4. While the matter stood above, contrary to his own proceedings dated 31.03.2016 extending the lease on the entire market area till 31.03.2017 to the petitioner, the second respondent has now issued impugned auction notice to lease out a portion of the weekly market for construction of temporary shop for the period 2016-2017.

5. When the above said factual issue was brought to the notice of the learned counsel for the second respondent, she was unable to sustain the impugned order.

6. Thus, taking note of the fact that the second respondent, vide his proceedings dated 31.03.2016, has already extended the lease period to the petitioner till 31.03.2017, this Court is inclined to quash the impugned auction notice issued by the second respondent to let out a portion of the weekly market allotted to the petitioner. Accordingly, the impugned auction notification is quashed.

7. In fine, for the reasons stated above, the writ petition is allowed. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rkm

To

1. The Inspector of Panchayats and the District Collector, Salem District, Salem.
2. The Executive Officer, Selection Grade Town Panchayat, Tharamangalam, Omalur Taluk, Salem District.
3. The Special Officer, Selection Grade Town Panchayat, Tharamangalam, Omalur Taluk, Salem District.

+1cc to Mr.Mani, Advocate, S.R.No.74944
+1cc to the Government Pleader, S.R.No.76421

RK(CO)
RS(18/01/2017)

W.P.No.44108 of 2016

सत्यमेव जयते

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