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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.06.2016

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THE HONOURABLE **MR. JUSTICE T. RAJA**

W.P(MD).Nos.11082 to 11085 of 2016

and

W.M.P.(MD).No.8520 to 8527 of 2016

G.Raja	...Petitioner in W.P.(MD).No.11082/2016
K.Arulmozhi	...Petitioner in W.P.(MD).No.11083/2016
R.S.Kannan	...Petitioner in W.P.(MD).No.11084/2016
A.Mahalakshmi	...Petitioner in W.P.(MD).No.11085/2016

Vs.

1.The District Collector,
District Collector Office,
Trichy-1, Trichy District.

2.The Assistant Director (Panchayats),
Office of AD Panchayat,
District Collector Office,
Trichy-1, Trichy District.

3.The Commissioner,
Panchayat Union,
Thottiyam, Trichy District.

4.The Block Development Officer,
Panchayat Union,
Thottiyam, Trichy District.

5.The Chairman,
Panchayat Union,
Thottiyam, Trichy District.

... Respondents in all WPs

Writ Petitions filed under Article 226 of the Constitution of India for the issuance of Writs of Certiorari to call for the records relating to 4th respondent proceedings made in Na.Ka.A3/972/2016-1 dated 10.06.2016, quash the same and pass appropriate orders.

For petitioners : M/s.R.Sundar

<https://hcservices.ecourts.gov.in/HCServices/> Respondents : Mr.G.Muthukannan
Government Advocate

**COMMON ORDER**

Since the issue involved in all the Writ Petitions are one and the same, these matters are taken up together and disposed of, by this common order.

2. All the petitioners herein were allotted with their respective shops by passing a Resolution by the third respondent. They have come to this Court, as against the impugned order passed by the fourth respondent, namely, the Block Development Officer, Thottiyam. The fourth respondent has passed the impugned orders on the ground that when the shops belonging to Thottiyam ought to be given only by issuing tender notice and inviting applications from all the eligible persons, by passing a Resolution dated 25.02.2016, the third respondent has allotted shops to the petitioners. On these basis, the fourth respondent has cancelled the allotment of shops for the purpose of holding public auction.

3. The grievance of the petitioners is that after the Resolution was passed by the third respondent, the petitioners were allotted shops Nos.25 to 28. They have also remitted a huge sum as caution deposit, as per the condition No.2 of the third respondent and in addition thereto, they have also remitted proper fees to the Electricity Board for obtaining electricity connection. Besides, they have also applied to various departments to commence their business in the said shops. In view of that, the impugned orders suddenly passed by the fourth respondent has caused a great prejudice to the petitioners. Therefore, he prayed for setting aside the orders impugned in these Writ Petitions.

4. This Court is not inclined to accept the said contentions of the petitioner to challenge the impugned orders. The reason is that the fourth respondent has rightly taken a decision to cancel the allotment of shops to the petitioners and others, as those shops in question were allotted only on the strength of the Resolution passed by the third respondent, which is impermissible in law. Further, the said impugned order came to be passed pursuant to the oral direction issued by the District Collector, Trichy, since many people who were not holding the allotment of shops, have given a complaint to the District Collector, Trichy. On receipt of the complaint, finding that there are irregularities in the matter of allotment of shops, in tune with the provisions of the Act, the fourth respondent has rightly cancelled the allotment of shops to the petitioners. Since it is a matter of revenue of the Government, without having public auction and providing an opportunity to the public in order to fetch more revenue to the Government, the petitioners cannot have any right, through the Resolution of the third respondent. Hence, the orders impugned in these Writ Petition stands shall hold good in all respects.



5. Consequently, all the Writ Petitions are dismissed and its connected miscellaneous petitions are also dismissed. No costs.

Sd/
Assistant Registrar(CS-II)

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/True copy/

Sub Assistant Registrar

To

- 1.The District Collector,
District Collector Office,
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- 4.The Block Development Officer,
Panchayat Union,
Thottiyam, Trichy District.
- 5.The Chairman,
Panchayat Union,
Thottiyam, Trichy District.

+4cc to M/s.R.Sundar, Advocate in SR.Nos.32379, 32380, 32377,
32378

SDR/ARK-PV/12.07.2016/3P/10C

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23.06.2016