



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.07.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.(MD)No.12608 of 2016

and

W.M.P(MD)Nos.9528 & 9529 of 2016

P.Balasubramaniyan

: Petitioner

Vs.

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Assistant Director(Panchayats),
District Collectorate Campus,
Ramanathapuram,
Ramanathapuram District.

3.The Block Development Officer,
Panchayat Union Office,
Thiruvadanai,
Ramanathapuram District.

4.The President,
Thiruvadanai Panchayat,
Ramanathapuram District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari Mandamus to call for the records and quash the impugned proceedings, dated 21.06.2016, consequential tender conducted on 29.06.2016 issued by the fourth respondent office and also cancelling allotment of 14 shops to selected persons and consequently direct the 1st and 2nd respondents to instruct the 3rd and 4th respondents to conduct auction transparently in Public Tender to lease all the 23 shops in a transparent manner.

For petitioner :Mr.R.Murugan

For Respondents :Mr.M.Rajarajan,
Government Advocate

O R D E R

The petitioner Mr.P.Balasubramanian has challenged the impugned proceedings, dated 21.06.2016 and the consequential tender conducted on 29.06.2016, on the ground that the condition imposed to deposit six months lease amount by way of advance, is unreasonable, unlawful and illegal.



2. Mr.M.Rajarajan, learned Government Advocate after taking notice on behalf of the respondents would submit that the contention of the petitioner that the respondents cannot collect six months monthly rent by way of advance, is unsustainable, since the respondents had acted only on the basis of Rule 12(b) of the Tamil Nadu Panchayats Act, 1994.

3. Rule 12(b) of the Tamil Nadu Panchayats Act, 1994 reads as follows:

"12(b) Where the lease period exceeds one year, the lease amount may be permitted to be paid in not more than two instalments for every year of lease, the last instalment being payable at least one year before the period of expiry of the lease period of lease or in the beginning of the lease period, whichever is earlier."

4. Reading of the above Rule 12(b), shows that where lease period exceeds one year, the lease amount is permitted to be paid in not more than two instalments for every year of lease and the last instalment being payable at least one year before the period of expiry of the lease period of lease or in the beginning of the lease period, whichever is earlier.

5. In view of the above, this Court is of the view that there is no illegality in the impugned order asking to deposit six months monthly rent by way of advance. Moreover, the petitioner is not entitled to challenge the impugned proceedings passed in favour of one Vigneswaran, who was declared as highest bidder in respect of the shop in question. Therefore, this Court does not find any merits in this Writ Petition.

In the result, this Writ Petition is dismissed. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/
Assistant Registrar

/True Copy/

Sub Assistant Registrar.

To

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

<https://hcservices.ecourts.gov.in/hcservices/>
2.The Assistant Director(Panchayats),
District Collectorate Campus,
Ramanathapuram, Ramanathapuram District.



3.The Block Development Officer,
Panchayat Union Office,
Thiruvadanai,
Ramanathapuram District.

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4.The President,
Thiruvadanai Panchayat,
Ramanathapuram District.

W.P. (MD) No.12608 of 2016
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pm

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