



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED : 14.12.2016  
CORAM

**THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU**

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W.P (MD) No.22366 of 2016  
and  
W.M.P (MD) Nos.16028 and 16029 of 2016

Piranoor Shopping Complex Welfare Association  
rep. by its President,  
Mariappan  
Piranoor Panchayat,  
Tenkasi Union,  
Tirunelveli District. .. Petitioner

vs.

1.The Block Development Officer,  
Piranoor Panchayat,  
Tenkasi,  
Tirunelveli District.

2.The Special Officer,  
Piranoor Panchayat,  
Tenkasi,  
Tirunelveli District.

3.The President,  
Piranoor Panchayat,  
Tenkasi,  
Tirunelveli District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Certiorarified Mandamus calling for the records in respect of impugned notification bearing Na.Ka.No. A1/01/2016, dated 03.11.2016 published in Thina Thanthi, dated 05.11.2016, issued by the respondents 1 & 2 and quash the same in so far as it relates to shop Numbers 1,2,3,4,5,7,9,11,12,13,14,15,16,17,18, 19, 20, 22, 23,24, 26 and 26/1 and renew the lease of the said shops to the existing lease holders in terms of G.O.Ms.No. 92, Municipal Administration and Water Supply Department, dated 03.07.2007.



For Respondents : Mr.A.Muthukaruppan  
Additional Government  
Pleader for R1 & R2

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O R D E R

This writ petition is filed challenging the auction notification issued by the respondent panchayat for letting the shops erected in the land belonging to the panchayat.

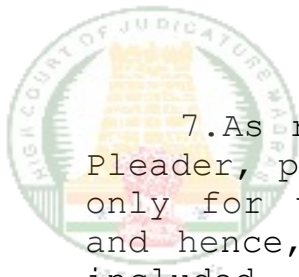
2.The petitioner, an Association is claiming that its members are already in possession and enjoyment of certain shops, which are sought to be auctioned by the impugned notification.

3.The grievance of the petitioner is that even though original term of lease has come to an end, the respective allottees are entitled for further renewal as per G.O.Ms.No. 92, Municipal Administration and Water Supply Department, dated 03.07.2007. Therefore, it is contended that these shops cannot be auctioned without considering the request of the respective shop holders for renewal.

4.The above contention of the petitioner is strongly objected by the respondent panchayat by filing a counter. It is specifically stated therein that G.O.Ms.No.92, Municipal Administration and Water Supply Department, dated 03.07.2007, is not applicable to the shops belonging to the panchayat, as it is intended and made applicable only to the shops belonging to the municipality and corporation. It is further contended by the respondent panchayat that the petitioner/respective shop holders, who are members of the petitioner Association, have already enjoyed the benefit of extension as provided under the Tamil Nadu Panchayat (Procedure for Conducting Public Auction of Leases and sales in Panchayat) Rules, 2001 and therefore, they cannot seek further extension as a matter of right, especially when the panchayat wants augmentation of income by bringing the shops for public auction.

5.Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents and perused the materials placed before this Court.

6.It is not in dispute that the members of the petitioner association are in enjoyment of the respective shops also by exercising the benefit of renewal and enjoying such benefit of renewal already. Now, it is contended by the petitioner that as per G.O.Ms.No. 92, Municipal Administration and Water Supply Department, dated 03.07.2007, those persons should be considered



7.As rightly pointed out by the learned Additional Government Pleader, perusal of the said G.O., would show that it was intended only for the shops belonging to the municipality or corporation and hence, the shops belonging to the panchayats are not at all included. On the other hand, the relevant Rule 11 of the Tamil Nadu Panchayat (Procedure for Conducting Public Auction of Leases and sales in Panchayat) Rules, 2001, which contemplates the period of lease, indicates that the maximus lease period is for three years initially and renewal for further period of three years only. Therefore, at the maximum 6 years can be enjoyed by the holder of shops including the period of renewal. In this case, it is an admitted fact that the members of the petitioner Association have already exhausted such period. When that being the case, the petitioner cannot seek for further renewal as a matter of right, more particularly when the G.O.Ms.No. 92, Municipal Administration and Water Supply Department, dated 03.07.2007 is not applicable to the case of the shops belonging to the panchayat. Therefore, I find that the present writ petition is totally misconceived.

8.Accordingly, this writ petition is dismissed. However, if some of the shops are not auctioned as stated by the learned counsel for the petitioner, it is open to the panchayat to bring the same for public auction and if any public auction is conducted, it is open to the members of the petitioner Association to take part in such auction. Filing of this writ petition and its dismissal shall not stand in the way of the panchayat in considering such participation of the members of the petitioner Association. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar(RTI)

/TRUE COPY/

Sub Assistant Registrar

To

1.The Block Development Officer, Piranoor Panchayat,  
Tenkasi, Tirunelveli District.

2.The Special Officer, Piranoor Panchayat,  
Tenkasi, Tirunelveli District.

+1 cc to MR.M.Gnanagurunathan,ADVOCATE, SR NO:81180

+1 cc to Special Government pleader, SR.No.80883

Skn

RL/SKN/5-1-2017/3P/5C

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