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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 04.10.2016

Coram

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD)No.5180 of 2016

and

W.M.P. (MD) .Nos.4637 , 4638 and 8624 of 2016

Arun Jebaraj . . . Petitioner

-Vs-

1.The Director of Town Panchayats,
Office of the Director of Town Panchayats,
Kuralagam, Chennai.

2.The District Collector,
Dindigul District.

3.The Executive Officer,
Batlagundu Town Panchayat,
Nilakottai Taluk, Dindigul District.

4.Chidambaram,
Usilampatti, Madurai District. . . . Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings of the 3rd respondent in Na.Ka.No.55/2015/A3 dated 15.12.2015 and the re-auction notification issued by the 3rd respondent in his proceedings Na.Ka.No.55/2015/A3 dated 06.01.2016 and short term re-auction notification issued by the 3rd respondent in his proceedings Na.Ka.No.55/2015/A3 dated 21.01.2016 in so far as conducting public auction of the petitioner's shop in Shop No.60 in Batlagundu Bus Stand, Batlagundu Town Panchayat, Nilakottai is concerned and quash the same and consequently direct the 3rd respondent to conduct the public auction in respect of shop No.60 in Batlagundu Bus Stand, Batlagundu Town Panchayat, Nilakottai, in accordance with law.

For petitioner

:Mr.G.Prabhu Rajadurai

For respondents

:Mr.N.S.Karthikeyan

Addl. Government Pleader for RR-1 & 2

Mr.Md.Imran for M/s.Ajmal Associates
for R-3

Mr.T.Lajapathi Roy for R-4

**ORDER**

The petitioner has filed this writ petition, challenging the public auction notification, issued by the third respondent/Batlagundu Town Panchayat.

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2.The only ground raised by the petitioner is that the resolution regarding the conduct of public auction has been defeated by a majority and hence, the Town Panchayat has no power to conduct public auction.

3.Heard the submissions made on either side and carefully perused the entire records.

4.Considering the above submissions, this Court is of the view that the Town Panchayat has power to conduct public auction, as per the Tamil Nadu District Municipalities Act and the subsequent Government Orders. Further, as per the subsequent G.Os, shops can be given only by public auction and cannot be given under any negotiation.

5.In view of the above, this writ petition is dismissed. The petitioner is directed to vacate the premises on or before 05.11.2016. If the petitioner failed to vacate the premises within the above period, the third respondent can approach the concerned Police Station and take police assistance to remove him from the premises. In the meantime, arrears, if any, as per the earlier lease, should be paid by the petitioner. If the petitioner failed to pay the arrears, the third respondent is directed to vacate him immediately. There shall be no order as to costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar(CSII)

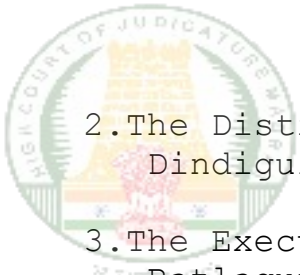
/True Copy/

Sub Assistant Registrar

VS

To

1.The Director of Town Panchayats,
Office of the Director of Town Panchayats,
Kuralagam, Chennai.



2.The District Collector,
Dindigul District.

3.The Executive Officer,
Batlagundu Town Panchayat,
Nilakottai Taluk,
Dindigul District.

+1cc to Mr.G.Prabhu Rajadurai,Advocate Sr.No. 59329

+1cc to Mr.T.Lajapathi Roy,Advocate Sr.No. 58586

+1cc to Spl.Government Pleader Sr.No.59205

JAM/11.11.16/GSV-PM/ 3p-7c

W.P. (md) .NO.5180 of 2016
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