

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2017

CORAM

THE HON'BLE Mr. JUSTICE M.M.SUNDRESH

W.P.Nos.6043 and 6044 of 2017
and
W.M.P.Nos.6479 to 6482 of 2017

P.Gunasekaran .. Petitioner in
W.P.No.6043 of 2017

V.T.Mohan .. Petitioner in
W.P.No.6044 of 2017

Vs.

The Commissioner,
Chennimalai Panchayat Union,
Chennai - 638 051
Erode District. .. Respondent in
both the W.Ps

Petitions filed under Article 226 of The Constitution of India praying to issue a writ of certiorarified mandamus to call for the records in Na.Ka.No.312/2014/A2 dated 27.02.2017 and quash the same as contrary to law and direct the respondent to renew the lease of the petitioner for further period of three years for two godowns and cycle stand, respectively Vellodu Commercial Complex, commencing from 01.04.2017 to 31.03.2020.

For Petitioner .. Mr.S.Ramesh Kumar
in both the W.Ps

For Respondent .. Mr.K.J.Sivakumar,
Govt. Advocate
in both the W.Ps

COMMON ORDER

The petitioner in W.P.No.6043 of 2017 has been given a licence qua two godowns for a period of three years. The petitioner in W.P.No.6044 of 2017 was given permission over the cycle stand for a period of three years. After the expiry of the said three years, by the impugned Notification, it was proposed to auction the said right starting from 01.04.2017 to 31.03.2020. Challenging the same, by placing reliance upon Rule

23 of The Tamil Nadu Panchayats (Procedure for conducting public auctions of leases and sales in Panchayats) Rules, 2001 (for short 'the Rules'), these writ petitions have been filed.

2.Learned counsel appearing for the petitioners submits that the applications for renewal were made on 22.12.2016. However, strangely, the respondent has not received the same. Hence in view of Rule 23, such permission will have to be extended for a period of three years.

3.On instructions and based upon the records produced, the learned Government Advocate submits that no such applications for renewal have been given by the petitioners. He has further submitted that insofar as W.P.No.6044 of 2017 is concerned, Rule 23 has got no application.

4.This Court cannot go into the disputed questions of fact. From the records, it appears that no such applications have been made. Though an averment is made that the petitioners have made applications, the same is not supported by any material. Further more, insofar as W.P.No.6044 of 2017 is concerned, it is only a permission to collect the requisite charges for the cycle stand. Therefore, there is no question of lease involved. Hence these writ petitions are dismissed. However, the dismissal of the writ petitions will not stand in the way of the petitioners participating in the auction. No costs. Consequently, connected miscellaneous petitions are closed.

s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

To

The Commissioner,
Chennimalai Panchayat Union,
Chennai - 638 051
Erode District.

+1 CC to Mr. K. Thangapandi, Advocate sr 16203
+1 CC to Mr. K.J.Sivakumar, Advocate, sr 15830
+2 Ccs to Mr. Ramesh Kumar, Advocate sr 15633, 15634

W.P.Nos.6043 and 6044 of 2017

LRS (CO)
sp/27/3