



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.07.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD) No.13338 of 2017

Pandiammal

... Petitioner

-vs-1. The District Collector,
Sivagangai.2. Block Development Officer (Village Panchayat),
Manamadurai Union Office,
Manamadurai Town & Taluk,
Sivagangai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the 2nd Respondent either to renew the Petitioners license or to grant new license to the Petitioner for another one year period (2017-2018) to conduct Vara Santhai in our Village namely Muthanenthal Village by accepting the petitioners offer to pay an increased amount, namely - last year license amount of Rs.1,65,000/-+15%.

For Petitioner : Mr.V.Lakshmanan
For R1 : Mr.J.Gunaseelan Muthiah
Govt. Advocate
For R2 : Mr.V.R.Shanmuganathan

O R D E R

This Writ Petition has been filed to direct the 2nd Respondent either to renew the Petitioner's license or to grant new license to the petitioner for another one year period (2017-2018) to conduct Vara Santhai in their Village, namely, Muthanenthal Village, by accepting the petitioner's offer to pay an increased amount, namely - last year license amount of Rs.1,65,000/-+15%.

2. Heard the learned counsel for the petitioner, the learned Government Advocate appearing for R1 and the learned Counsel for R2.

3. It is the case of the petitioner that she is inclined to continue the contract beyond 22.06.2017 by paying necessary caution deposit as well as the rent to be fixed by the second respondent and the petitioner has submitted a representation dated 16.06.2017 to that effect even before expiry of the contract period.



4. According to the learned counsel for the petitioner, as per the provisions of Section 220(3) of the Tamil Nadu Panchayaths Act, 1994 and the Government Order in G.O.(Ms) No.181 dated 19.09.2008, it is mandatory on the part of the respondents to, at the first instance, consider the representation of the petitioner and thereafter proceed in accordance with law. Without following the said procedure, the 2nd respondent has taken steps to call for a public auction and the said auction, according to the learned counsel for the petitioner, is in violation of the statutory provisions. For better appreciation, Section 220(3) is reproduced hereunder:

"220(3) Save as aforesaid, if orders on an application for any such licence or permission are not communicated to the applicant within third days or such longer period as may be prescribed in any class of cases after the receipt of the application by the executive authority the application shall be deemed to have been allowed for the period if any, for which it would have been ordinarily allowed and subject to the law, rule, by-laws and regulations and of conditions ordinarily imposed."

5. Having regard to the said submission, the second respondent is directed to consider the representation of the petitioner dated 16.06.2017 and after affording an opportunity of hearing to the petitioner, pass appropriate orders in line with the provisions of the Act and the relevant Government Order (cited supra), within a period of two weeks from the date of receipt of a copy of this order.

6. With the above direction, this petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To:

1. The District Collector, Sivagangai.
2. Block Development Officer (Village Panchayat),
Manamadurai Union Office, Manamadurai Town & Taluk,
Sivagangai District.

+ 1 CC TO Mr.V.LAKSHMANAN, ADVOCATE IN SR No. 68062

AR/RM

<https://hcservices.ecourts.gov.in/hcservices/>

TE/JC/SAR-1 : 27/07/2017 : 2P/4C

W.P(MD) No.13338 of 2017
27.07.2017