

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 03.08.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN**W.P(MD)No.12179 of 2016**

Ra.Sivasami

... Petitioner

Vs.

1.The District Collector,
Collectorate,
Madurai District,
Madurai - 625 020.

2.The Block Development Officer (Village Panchayat)
Kottampatti Panchayat Union,
Kottampatti Post,
Madurai District.

3.The President,
Kottampatti Village Panchayat,
Kottampatti Panchayat Union,
Kottampatti Post,
Madurai District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to conduct public auction in respect of the 19 shops situated at new bus stand (19 shops) and Near Azhagiri Marriage Hall (5 Shops).

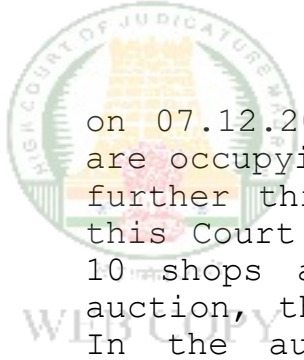
For Petitioner	: Mr.T.Antony Arul Raj
For R.1 & R.3	: Mr.N.S.Karthikeyan
For R.2	: Mr.M.Rajarajan

O R D E R

This writ petition has been filed, seeking to direct the respondents to conduct public auction in respect of 19 shops situated at new bus stand (19 shops) and Near Azhagiri Marriage Hall (5 Shops).

2. Heard the learned Counsel on either side.

3. The Petitioner is the president of the 3rd respondent panchayat. The 3rd respondent is having 34 shops and they were leased out for a very meagre amount of Rs.5,000/- to Rs.10,000/- per year, due to which, there is a huge revenue loss to the panchayat. For about 15 years, no auction was conducted in respect of the said shops and subsequently, the 1st respondent decided to conduct auction



on 07.12.2015. The said auction was challenged by 10 persons, who are occupying the shops and sought for extension of lease period for further three years and the said writ petition was disposed of by this Court on 16.02.2016. After that, re-auction was fixed only for 10 shops and then postponed to 04.07.2016. Before conducting an auction, the lessees have paid Rs.5,000/- to Rs.10,000/- per year. In the auction, it was increased upto Rs.68,000/-. Therefore, according to the petitioner, if the respondents conduct auction in respect of the remaining shops, the third respondent could generate more revenue. Hence, he has filed this writ petition with the above prayer.

4. It is seen that out of 34 shops, 10 shops were brought for public auction, pursuant to which, the Panchayat, which is meant for welfare of public at large, got benefitted and therefore, the petitioner pleaded for auctioning the remaining shops for the purpose of generation of more income to the Panchayat. It is also brought to the notice of this Court that some persons moved the Civil Court against the respondents, but whereas no interim order was granted in their favour. Therefore, it goes without saying that it is for the respondents to proceed against the occupants for legally evicting them, who refuse to vacate the premises and are in occupation without any lease in their favour.

5. Under such circumstances, this writ petition is disposed of, leaving it open to the respondents to take appropriate action against the illegal occupants, within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To:

1.The District Collector,
Collectorate,
Madurai District,
Madurai - 625 020.

2.The Block Development Officer (Village Panchayat)
Kottampatti Panchayat Union,
Kottampatti Post,
Madurai District.

+1cc to The Special Government Pleader in SR. NO.70871
+1cc to Mr.N.S.Karthikeyan Advocate in SR. No.70113
+1cc to Mr.T.Antony Arul Raj Advocate in SR. No.70479