



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.07.2017

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.(MD)No.13051 of 2016

and

W.M.P.(MD)Nos.9843 to 9845 & 15031 of 2016

N.Thamarai Bharathy

... Petitioner

Vs.

1.The Secretary to State Government,
Municipal Administration Department,
Secretariat,
St.George Fort,
Chennai.

2.The Commissioner,
Municipal Administration Department,
Chennai.

3.The District Collector,
Kanyakumari District,
At Nagercoil.

4.Kanyakumari Special Grade
Town Panchayat Council,
Rep. By its Chairman,
Town Panchayat Office,
Kanyakumari,
Kanyakumari District.

5.The Executive Officer,
Special Grade Panchayat,
Kanyakumari,
Kanyakumari District.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records on the files of the fifth respondent pertaining to its order bearing Na.Ka.No.400/2016/A1 dated 18.07.2016 and to quash the same and consequently direct the respondents to extend the lease period from 18.07.2016 to 17.07.2019 by accepting 20% over and above the existing lease amount in consonance with the <https://hcses.lawson.in/hcses/cases/219> dated 20.06.2016, passed by the fourth respondent.



For Petitioner : Mr.S.C.Herold Singh
For Respondents : Mr.J.Gunaseelan Muthiah,
Government Advocate for R.1 to R.3
Mr.Aayiram K Selvakumar for R.4 & R.5

WEB COPY

ORDER

This writ petition has been filed seeking a Writ of Certiorarified Mandamus to quash the impugned order of the fifth respondent in Na.Ka.No.400/2016/A1 dated 18.07.2016 and direct the respondents to extend the lease period from 18.07.2016 to 17.07.2019, by accepting 20% over and above the existing lease amount, in consonance with the Resolution No.219, dated 20.06.2016, passed by the fourth respondent.

2. According to the petitioner, his claim for extending the lease period for maintenance of bathroom cum toilet, for a further period of three years, was approved by a resolution passed by the Panchayat in Resolution No.219 dated 20.06.2016. As no orders came to be passed, the petitioner approached this Court by filing W.P.(MD)No.11773 of 2016, wherein, this Court, by order dated 04.07.2016, directed the respondents to pass orders on the resolution. The respondents, instead of complying with the same, passed the impugned order. Aggrieved thereby, the petitioner is before this Court with the present petition.

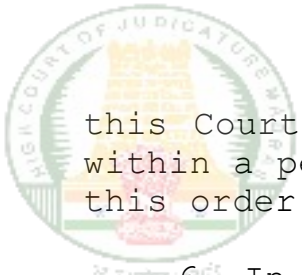
3. Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for respondents 1 to 3 and the learned counsel appearing for respondents 4 and 5.

4. A perusal of the typed set of papers filed in support of the writ petition shows that in the earlier round of litigation in W.P(MD)No.11773 of 2016, this Court, by order dated 04.07.2016, has observed thus:

"...3.Mr.Ayiram K.Selvakumar, on instruction, submitted that the representation has been considered and a Resolution has been passed on 20.06.2016. If further time is granted, appropriate order will be passed.

4. Recording the said fact, this Writ Petition stands disposed of with a direction to the respondents to pass appropriate orders on the Resolution, within a period of two weeks from the date of receipt of a copy of this order. Till such time, the respondent is directed to maintain status quo..."

5. In the light of the above order, the present impugned order cannot stand in the eye of law. Accordingly, the impugned order passed by the fifth respondent in Na.Ka.No.400/2016/A1, dated 18.07.2016, is set aside. The respondents are directed to consider the claim of the petitioner, in the light of the order passed by



this Court in W.P(MD)No.11773 of 2016 and pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order.

6. In fine, this Writ Petition is allowed as above. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The Secretary to State Government,
Municipal Administration Department,
Secretariat,
Fort St.George, Chennai.

2.The Commissioner,
Municipal Administration Department,
Chennai.

3.The District Collector,
Kanyakumari District, At Nagercoil.

4.The Executive Officer,
Special Grade Panchayat,
Kanyakumari,
Kanyakumari District.

+1cc to M/S.S.C.Herold Singh, Advocate SR.No. 67792
+1cc to M/S.Aayiram K Selvakumar, Advocate SR.No. 68016
+1cc to Special Government Pleader, SR.No. 68351

W.P. (MD)No.13051 of 2016
and

W.M.P. (MD)Nos.9843 to 9845 & 15031 of 2016
26.07.2017

GK
JM/KK/SAR 3/01.08.2017/3P/8C