

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

DATED : 14.09.2017

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN**W.P. (MD) Nos. 4184, 4185 & 4354 of 2017****and****W.M.P (MD) Nos. 3339, 3340, 3499, 8651, 8738 & 8777 of 2017**

U.Murugan	... Petitioner in W.P(MD)No.4184 of 2017
K.Paramasivan	... Petitioner in W.P(MD)No.4185 of 2017
J.Thankaraj	... Petitioner in W.P(MD)No.4354 of 2017

Vs.

The Executive Officer,
Kayathar Town Panchayat,
Tuticorin District.

... Respondent in all petitions

COMMON PRAYER: Writ Petitions are filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified mandamus to call for the records relating to the impugned auction notice of the respondent in Na.Ka.No.107/2017/A1 dated 27.02.2017 and quash the same in respect of Temporary Shop Nos.1, 2 & 7 respectively and consequently direct the respondent to extend the lease in respect of Temporary Shop Nos.1, 2 & 7 respectively.

For Petitioners : Mr.K.Selvam
(In W.P(MD) Nos.4184,4185/17)

Mr.H.Arumugam
(In W.P(MD) No.4354/17)

For Respondent : Mr.G.Muthukannan,
Government Advocate
(In all petitions)

COMMON ORDER

These Writ Petitions have been filed seeking a Writ of Certiorarified Mandamus to quash the impugned auction notice of the respondent in Na.Ka.No.107/2017/A1 dated 27.02.2017, in respect of the petitioners Temporary Shop Nos.1, 2 & 7, respectively, are concerned and consequently direct the respondent to extend the lease period for their shops.



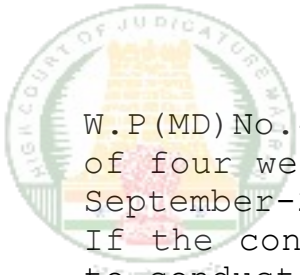
2. According to the petitioners they were allotted with Temporary Shop Nos.1, 2 & 7 respectively, in the lands belonging to the respondent Panchayat and lease deed was also executed for the year 2008-09, which was subsequently extended for nine years i.e., up to 31.03.2017. On the verge of expiry of the lease period, the petitioners approached the respondent by representation as well as in person, seeking extension of lease period. But the respondent stated that the tenure of the council of Panchayat had expired and after a new council comes into force, necessary resolution will be passed for extending the lease period. While so, when the petitioners were under the legitimate expectation that their lease period will be extended further, all of a sudden, the respondent issued the impugned auction notice dated 27.02.2017, stating that public auction would be conducted on 16.03.2017, at about 11.00 a.m., and aggrieved thereby, the petitioners are before this Court.

3. Heard the learned Counsel on either side and perused the documents placed on record.

4. Upon perusing the entire documents, it is seen that since this Court has granted an order of status-quo in respect of the shops of the petitioners herein, the respondent has conducted auction for all shops, except for the shops of the petitioners and rent has been fixed at the rate of Rs.6000/- to Rs.11000/- per month and lease deed were also executed for 2017-18 i.e., up to 31.03.2018, whereas, for the petitioners' shops, the authorities, on their own, fixed the rent at the rate of Rs.20,000/- per month. This sort of practice of the respondent cannot be countenanced. But, at the same time, considering the plight of the petitioners and others, this Court is inclined to dispose of these petitions with the following directions.

5. All the petitioners herein, are directed to pay a sum of Rs.8000/- (Rupees Eight Thousand only) as rent per month, on and from 01.09.2017 and they have to clear all the arrears, if any, forthwith. This arrangement is only up to 31.03.2018 and thereafter, it is always open to the respondent to conduct auction to all the shops, including the petitioners' and all other properties in the bus stand.

6. At this juncture, it is reported by the learned Counsel for the petitioners that the entire arrears have already been cleared insofar as the petitioners in W.P(MD)Nos.4184 & 4185 of 2017 are concerned, for which, the learned Government Advocate seeks time to verify the same. With regard to the petitioner in W.P(MD)No.4354 of 2017, the learned Counsel expressed some ~~relief to the petitioner's family problem~~ and seeks extension of time to make the payment, as directed by this Court. Accordingly, this Court is inclined to permit the petitioner in



W.P(MD)No.4354 of 2017 to remit the entire arrears within a period of four weeks from today, followed by the payment for the month of September-2017 on or before 05.10.2017 at the rate of Rs.8000/-. If the conditions are not compiled with, it is for the respondent to conduct auction, forthwith and act as per law.

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7. With the above directions, these writ petitions are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

8. Post these matters on 05.10.2017, for reporting compliance.

Sd/-
Assistant Registrar()

/True Copy/

Sub Assistant Registrar

To

The Executive Officer,
Kayathar Town Panchayat,
Tuticorin District.

+1cc to M/S. H.ARUMUGAM, Advocate, SR.No.79110.
+1cc to M/S. K.SELVAM, Advocate, SR.No.79112.

W.P. (MD) Nos.4184, 4185 & 4354 of 2017
and
W.M.P (MD) Nos.3339,3340,3499,8651,8738 & 8777 of 2017
14.09.2017

gk
SDS/SKN:RSK/SAR 1/25.09.2017/3P/4C