



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 05.04.2017

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WEB COPY

THE HONOURABLE MR.JUSTICE V.PARTHIBAN**W.P(MD)No.5891 of 2017**

T.James

..Petitioner

Vs

The Commissioner,
Nanguneri Panchayat Union,
Nanguneri, Tirunelveli District.
Respondent

..

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondent to consider the Petitioner's representation, dated 22.2.2017 and to renew the lease to collect the fee in the Munainchipatti Weekly Market for further period of two years I.e., upto 30.6.2019 as per G.O..No.181, dated 19.09.2008 within the time stipulated by this Court.

For Petitioner :M/sH.Arumugam

For Respondent :Mr.Aayiram K.Selvakumar
Govt.Advocate

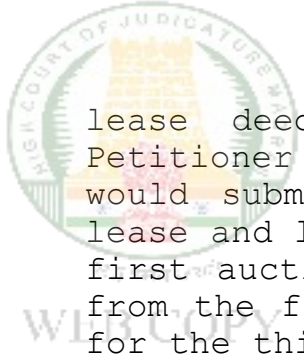
ORDER

The Petitioner has approached this Court seeking issuance of a Writ of Mandamus directing the respondent to consider the Petitioner's representation, dated 22.02.2017 and to renew the lease to collect the fee in the Munainchipatti Weekly Market for further period of two years I.e., upto 30.6.2019 as per G.O..No.181, dated 19.09.2008 within the time stipulated by this Court.

2.Mr.Aayiram K.Selvakumar, learned Government Advocate takes notice for the respondent.

3.By consent of both parties, the main Writ Petition is taken up for disposal, at the admission stage itself.

4.According to the Petitioner, the respondent conducted public auction for issuing lease to collect fee in the weekly market on 13.7.2016. The Petitioner participated in the public auction and become successful bidder and granted lease for a period of one year from 1.7.2016 to 30.6.2017. The Petitioner has also executed a



lease deed in compliance with the requirement. Therefore the Petitioner is having valid lease till 30.6.2017. The Petitioner would submit that according to G.O.No.181, dated 19.09.2008, the lease and license shall be renewed upto three years on the basis of first auction, subject to the condition to pay 5% enhanced amount from the first year lease amount for the second year and similarly for the third year also. In these circumstances, the Petitioner sent a representation on 22.2.2017 seeking renewal of lease to collect the fee for a period of three years in terms of the above said G.O.No.181, dated 19.9.2008. However, the representation has not been considered so far. No order has been passed till date. Hence the Petitioner has come forward with the present Writ Petition for the relief stated supra.

5.The learned Government Advocate appearing for the respondent would submit that the respondent would consider the representation said to have been submitted by the Petitioner on 22.2.2017 and pass orders as expeditiously as possible.

6.In view of the above submissions made by the learned counsel appearing for the parties, considering the limited scope of the prayer sought for and without expressing any view on the merits of the claim made by the Petitioner, this Court directs the respondent to consider the representation of the Petitioner, dated 22.02.2016 and pass orders on the same in terms of G.O.No.181, dated 19.09.2008 within a period of six weeks from the date of receipt of a copy of this order.

7.With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

/True copy/

Sub Assistant Registrar

To
The Commissioner,
Nanguneri Panchayat Union,
Nanguneri, Tirunelveli District.
+1 CC to M/s.H.ARUMUGAM, Advocate, SR No. 50297
+1 CC to M/s.THE SPECIAL GOVERNMENT PLEADER, SR No. 50940
VSN
PSM/SV-MMS/SAR3/17.04.2017/2P/4C

W.P (MD) No.5891 of 2017
05.04.2017