

In the High Court of Judicature at Madras

Dated : 22.2.2018

Coram :

The Honourable Mr.Justice K.KALYANASUNDARAM

Writ Petition No.3876 of 2018 & WMP.No.4753 of 2018

K.V.Kandasamy

...Petitioner

Vs

1.State of Tamil Nadu, rep.by its  
Principal Secretary to Government,  
Municipal Administration & Water  
Supply Department, Secretariat,  
Chennai-9.

2.The Director of Town Panchayats,  
Kuralagam, Chennai-108.

3.The Assistant Director (Town  
Panchayats), Salem Region, Salem.

4.The Executive Officer, Kolathur  
Selection Grade Town Panchayat,  
Kolathur-636303. Mettur Taluk,  
Salem District.

...Respondents

PETITION under Article 226 of The Constitution of India  
praying for the issuance of a Writ of Mandamus directing the  
respondents to consider the representation of the petitioner  
dated 09.2.2018 and direct the respondents to conduct fresh  
public auction in respect of all commercial shops in the fourth  
respondent panchayat jurisdiction.

For Petitioner : Mr.V.Elangovan

For Respondents 1 to 3 : Mr.V.Shanmuga Sundar, SGP

ORDER

Mr.V.Shanmuga Sundar, learned Special Government Pleader  
accepts notice for respondents 1 to 3. Heard both. In view of  
the limited nature of relief sought for, the writ petition  
itself is taken up for final disposal without ordering notice to  
the fourth respondent.

2. The case of the petitioner is that he is a resident of Kolathur Village. According to him, the fourth respondent has constructed a commercial complex in Kolathur bus stand consisting of 40 shops. The grievance of the petitioner is that the fourth respondent conducted public auction in the year 1990 and thereafter, the lease of the existing lessees has been extended by increasing 5% of the lease amount once in three years.

3. The learned counsel for the petitioner submits that the present lease amount is 100% less than the market rate and that therefore, the petitioner sent a representation dated 09.2.2018 to the respondents to bring the shops for public auction. Since no action has been taken on the said representation, the petitioner is before this Court.

4. The learned Special Government Pleader for respondents 1 to 3 submits that the said representation of the petitioner would be considered in accordance with law.

5. In the light of the above submission and a limited prayer has been sought for in the writ petition, without expressing any opinion on the merits of the case, the writ petition is disposed of with a direction to the respondents to consider the representation of the petitioner dated 09.2.2018 on merits and pass appropriate orders thereon in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, after affording an opportunity to all necessary parties. No costs. Consequently, the connected WMP is closed.

Sd/-  
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1.The Principal Secretary to Government of Tamil Nadu, Municipal Administration & Water Supply Department, Secretariat, Chennai-9.

2.The Director of Town Panchayats, Kuralagam, Chennai-108.

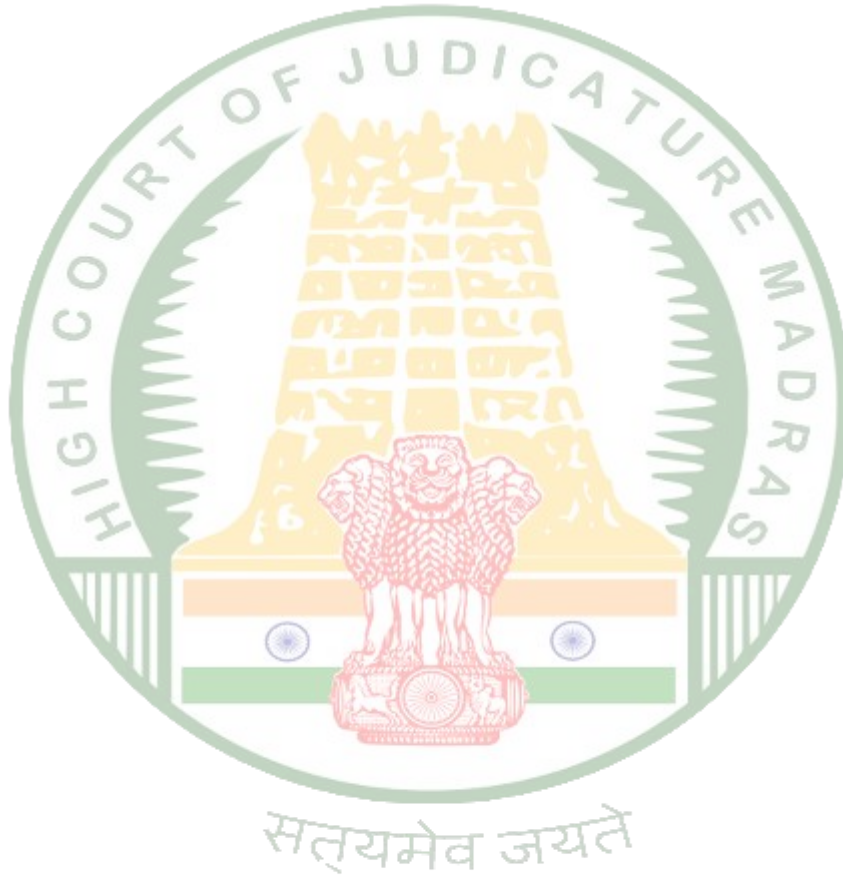
3.The Assistant Director (Town Panchayats), Salem Region, Salem.

4.The Executive Officer, Kolathur Selection Grade Town Panchayat,  
Kolathur-636303. Mettur Taluk, Salem District.

+1cc to Mr.S.Doraisamy, Advocate, S.R.No.13832

WP.No.3876 of 2018&  
WMP.No.4753 of 2018

SV (CO)  
RRK (23/02/2018)



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