

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2018

CORAM:

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P. No.15949 of 2018 &

W.M.P.Nos.18956 & 18957 of 2018

Samiullah

.. Petitioner

Vs.

1.The Block Development Officer,
Thandarampet Panchayat Union,
Thandarampet, Thiruvannamalai District.

2.The Executive Officer / Village Panchayat President,
Thandarampet Panchayat Union,
Thandarampet, Thandarampet Taluk,
Thiruvannamalai District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records in impugned auction notification dated 20.06.2018 passed in Na.Ka.OoA3/01/2018 on the file of the second respondent herein and quash the same and direct the respondents to issue renewal of lease for the further period from 01.07.2018 in respect of Shop No.2, situated in Thandarampet Bus Stand, Thiruvannamalai District to and in favour of the petitioner pursuant to the representation of the petitioner dated 15.06.2018.

For Petitioner : Mr.K.Venkatachalam

For Respondents : Mr.V.Shanmuga Sundar
Special Government Pleader

O R D E R

Heard Mr.K.Venkatachalam, learned counsel for the petitioner; Mr.V.Shanmuga Sundar, learned Special Government Pleader for the respondents and perused the materials available on record.

2. The existing licensee has filed this Writ Petition challenging the auction notice issued by the second respondent on the ground that the respondents have not provided sufficient time as per Rule 14 framed under G.O.Ms.No.277, Rural Development (C4) Department, dated 22.11.2001 and the lease has not been renewed as per G.O.Ms.No.92, Municipal Administration and Water Supply Department, dated 03.07.2007.

3. It is an admitted fact that the lease in favour of the petitioner got expired on 30.06.2018 and the impugned notification has been issued for grant of license from 01.07.2018. It is not in dispute that the petitioner has become a licensee in the auction conducted in the year 2011.

4. The licensees of shops in Rajapalayam Municipality filed a batch of writ petitions before Madurai Bench of Madras High Court, in W.P.(MD)Nos.9333 of 2017, etc., expressing the same grievance. The Writ Court, following the decisions of Single Judges and Division Bench of this Court A.Sathar Vs. the District Collector, Coimbatore and Another [AIR 1998 MAD 217], WA (MD) No.546 of 2010, dated 19.08.2010, P.N.Chinnasamy and 13 another vs. the Assistant Director of Town Panchyat, Coimbatore District [2010 1 CTC 584], P.Muthusamy vs. State of Tamil Nadu [2014 5 MLJ 129], C.Vinoba vs. the Commissioner, Palladam Municipality [2015 3 CTC 170] and P.P.M.S.C.L.W.Association vs. Commissioner [2016 3 MLJ 698] dismissed the writ petitions holding the licensees by relying on the G.O.Ms.No.92, Municipal Administration and Water Supply Department, dated 03.07.2007 have no right in seeking extension of lease in perpetuity.

5. Indisputably, the petitioner had participated in the auction conducted by the respondents on 27.06.2018 and he was unsuccessful. So, at this juncture, no complaint can be made that Rule 14 has been violated as he is no way prejudiced by the action of the respondents.

6. In the light of the above fact, I find no merit in this Writ Petition. Accordingly, the Writ Petition fails and the same is dismissed. However, it is open to the petitioner to prefer an appeal provided under the Tamil Nadu Transparency in Tenders Act. There is no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

सत्यमेव जयते Assistant Registrar(CS IX)

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Sub Assistant Registrar

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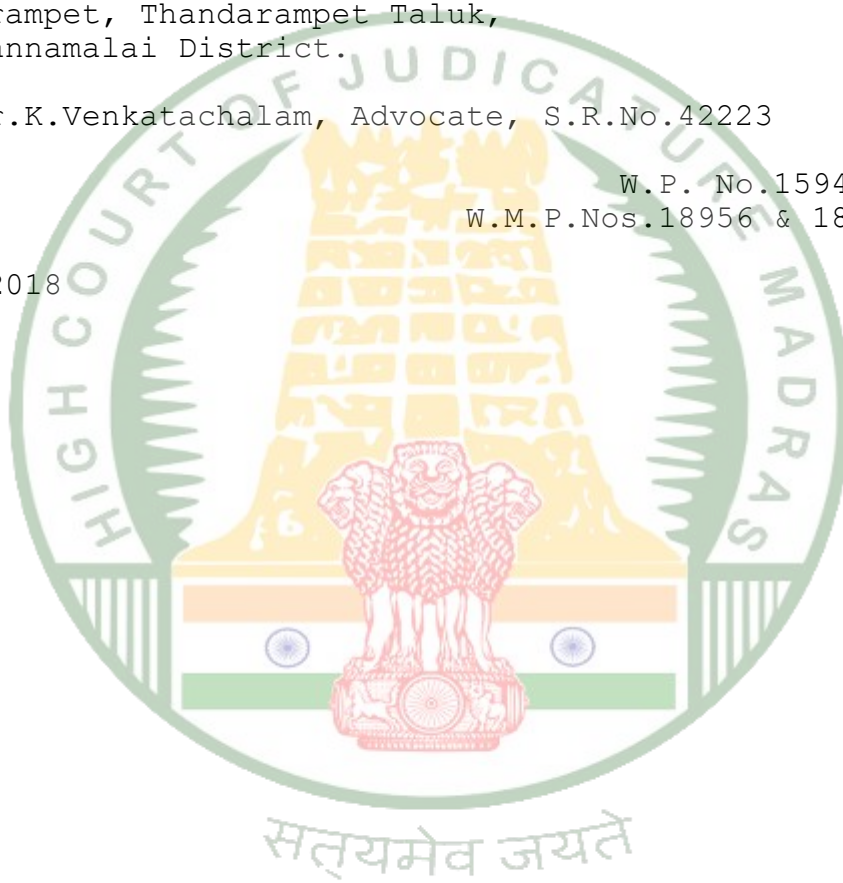
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+1cc to Mr.K.Venkatachalam, Advocate, S.R.No.42223

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SVN(CO)
BM 13/07/2018



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