



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2018

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.5699 of 2018
and
W.M.P (MD) Nos.5581 to 5583 of 2018

T.Kannan

... Petitioner

Vs.

1.The District Collector,
Office of District Collectorate,
Dindigul District.

2.The Block Development Officer,
Nilakottai (Taluk),
Dindigul District.

3.The Special Officer,
Patchmalaiyan Kottai Panchayat,
Nilakottai (Taluk),
Dindigul District.

... Respondents

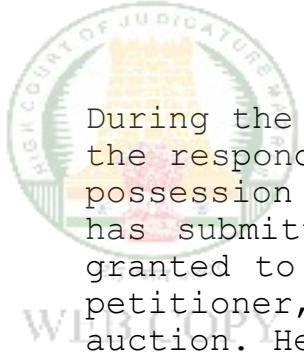
Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned proceedings in Na.Ka.No.696/18/Thi.3 in dated 06/03/2018 on the file of Respondent no.3 and quash the same as illegal and consequently direct the respondent no.2 to extend the time limit in shop no.13 to the petitioner at Sempatti Bus stand for a period of 11 months within the time period.

For Petitioner	: Mr.T.Lajapathi Roy
For Respondents 1&2	: Mrs.J.Padmavathi Devi, Special Government Pleader.
For 3 rd Respondent	: Mr.Aayiram K.Selvakumar, Additional Government Pleader.

ORDER

This writ petition has been filed challenging the auction notification issued by the third respondent dated 06.03.2018 for leasing out various shops belongs to the panchayat.

2.According to the petitioner, earlier, a lease was granted to the petitioner for the year 2017-2018, commencing from 01.04.2017 to 31.03.2018. The petitioner has also paid lease amount.



During the currency of the lease, due to the inaction on the part of the respondents, there was a delay of ten months in handing over the possession of the shop. In the above circumstances, the petitioner has submitted a representation to extend the lease period already granted to him. Now, without considering the representation of the petitioner, the respondent municipality brought the shops for public auction. Hence, the petitioner has filed the present writ petition.

3. Admittedly, lease was granted to the petitioner for the period commencing from 01.04.2017 to 31.03.2018. The period is also going to over. Therefore, if the delay in handing over possession is due to the fault of the respondent panchayat, the petitioner is entitled for refund of lease amount for the period for which the possession was not handed over to him and he cannot claim extension of the lease period. As the petitioner has no vested or legal right in seeking extension, the relief sought by the petitioner cannot be granted. Accordingly, the writ petition is dismissed. However, liberty is granted to the petitioner to make a representation before the respondents seeking refund of the lease amount for the period for which the possession was not given to him and the respondents are also directed to consider the same and pass orders on its merits and in accordance with law. No costs. Consequently, W.M.P (MD) Nos.5581 to 5583 of 2018 are closed.

Sd/-

Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector, Office of District Collectorate,
Dindigul District.

2. The Block Development Officer,
Nilakottai (Taluk), Dindigul District.

3. The Special Officer, Patchmalaiyan Kottai Panchayat,
Nilakottai (Taluk), Dindigul District.

+1CC to Mr.T.Lajapathi Roy, Advocate, SR.No. 56511

+1CC to the Special Government Pleader SR.No.56543

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and
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19.03.2018

sms

JM/SKN RSK/SAR 3/12.04.2018/2P/6C

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