



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 18.06.2018
CORAM

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

WEB COPY

W.P(MD)No.12896 of 2018
and W.M.P.(MD) No.11789 of 2018

Arumuga Nainar

.. Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Block Development Officer,
Nanguneri Panchyat Union,
Tirunelveli District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the second respondent to renew the existing lease of the petitioner for the right to collect the toll charges from the vehicles and vendors at Munanjipatti weekly market for the further period of one year or more in the light of G.O.Ms.No.92, Municipal Administration and Water Supply Department dated 03.07.2007.

For Petitioner : Mr.S.Dorai Samy
for Mr.M.Maharaja

For R2 : Mr.R.Sethuraman
Special Government Pleader

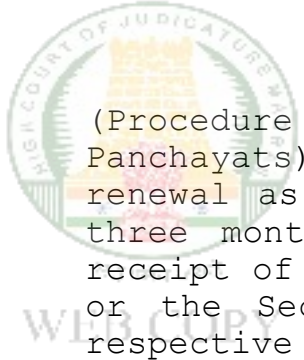
For R1 : Mr.S.Nagarajan
Special Government Pleader

O R D E R

The petitioner is the license holder for collecting toll charges from the vehicles and vendors at Munainjipatti Village Weekly Market. The lease period expires on 30.06.2018. As per the provisions of Tamilnadu Panchayat (Procedure for Conducting Public Auctions of Leases And Sales in Panchayats) Rules, 2001, he made an application for renewal of lease period on 14.03.2018 followed by remainders dated 16.04.2018 and 10.06.2018. Since his application as well as remainders have not been considered by the respondents, the petitioner is before this Court for a direction directing the respondent to renew existing lease in the light of G.O.Ms.No.92, Municipal Administration and Water Supply Department dated 03.07.2007.

<https://hcservices.ecourts.gov.in/hcservices/>

2. The learned counsel appearing for the petitioner would vehemently contend that as per Rule 23 of Tamilnadu Panchayat



(Procedure for Conducting Public Auctions of Leases And Sales in Panchayats) Rules, 2001, if the existing lessee desires to get renewal as his lease period is over, he shall make an application three months before the date of expiry of the lease period. On receipt of such request, the Executive Authority or the Commissioner or the Secretary as the case may be shall place it before the respective Panchayats to fix provisionally a sum at which lease can be renewed taking into consideration several other factors.

3. If the decision is taken to renew the lease, the lease amount can be enhanced by 15% per year. On the other hand, if the authorities decide to reject the request and take further action, then they have to conduct auction for that particular item in the usual manner, by observing the procedures contemplated under these Rules.

4. Even though the request for renewal of lease was made within 3 months prior to the date of expiry of that lease as per Section 23(2) of the abovesaid Rules, the respondents have not taken any action. The remainders also are not considered by the respondents.

5. The learned Special Government Pleader appearing for the respondents, on instructions, submits that the request made by the petitioner dated 14.03.2018 and the remainders are pending consideration before the authorities and it will be considered before the expiry of lease.

6. Considering the submissions made by both sides, a direction is issued to the second respondent to consider the request made by the petitioner for renewal of his existing lease to collect toll charges from the vehicles and vendors at Munainjipatti Village Weekly Market for the further period of one year in accordance with Rule 23 of the abovesaid Rules.

7. It is always expected from the authorities that they shall take prompt action either to accept or reject on the application made by the petitioner in accordance with law in time. In the instant case, lease expires on 30.06.2018 and therefore, a direction is issued to the second respondent to take action within a period of two weeks from the date of receipt of a copy of this order.

8. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected W.M.P.(MD) No.11789 of 2018 is closed.

Sd/-

Assistant Registrar (CO)

/True Copy/



To,

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Block Development Officer,
Nanguneri Panchy at Union,
Tirunelveli District.

+2CC to Mr.M.Maharajan Advocate in SR.No.68514,

+1CC to Mr.R.Sethuramam Advocate in SR.No.68502.

CM

DS/SKN-RSK/SAR-2 :22.06.2018: 3P/6C

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18.06.2018