

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2019

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A.No.795 of 2017
and C.M.P.No.10977 of 2017

1.Gunaseelan
2.M.Chokkan
3.Murugammal
4.Dhanaselvi
5.Rathinavel
6.Jayakumar
7.Sivakumar
8.Mathivanan
9.Mari
10.Elavarasan
11.Vadivel
12.Palani

... Appellants

Vs

1.P.Balaraman

2.The Assistant Director of Town Panchayat
Dharmapuri District, Collectorate, Dharmapuri.

3.The Executive Officer,
Kambainallur Town Panchayat,
Kambainallur, Dharmapuri District.

... Respondents

PRAYER : Appeal against the order dated 06.02.2017 passed in
W.P.No.1950 of 2017.

Prayer in WP.No.1950 of 2017 : Petition under Article 226 of the
Constitution of India praying for the issue of a Writ of
Mandamus, directing the 1st respondent to consider the
petitioner's representation dated 24.10.2016 and take suitable
legal action within the stipulated time to be fixed by this
Hon'ble Court.

For Appellants : Mr.C.Prakasam

For Respondents : Ms.V.Suguna (for R1)
Mr.J.Pothiraj
Special Government Pleader
for R2 and R3

JUDGMENT

(Judgment of the Court was delivered by N.KIRUBAKARAN, J)

It is submitted by Mr.C.Prakasam, learned counsel appearing for the appellants and Mr.J.Pothiraj, learned Special Government Pleader appearing on behalf of the respondents 1 and 2 that the appellants have vacated the premises in question and as on date, they are not in possession. However, the learned Special Government Pleader would submit that for the period from March 2019 till the date of handing over of possession, the appellants have not paid the arrears of rent.

2.Be that as it may, since the shops are kept vacant, huge loss is being caused to the local body and therefore, necessary steps have to be taken by the local body to auction the property by issuance of public notice and the said auction had to be completed for all shops, after giving publication in the news paper and report has to be filed by the local body on or before 04.11.2019.

3.Mr.C.Prakasam, learned counsel appearing for the appellants seeks permission for the appellants to take part in the auction to be conducted by the local body. As per the order of this Court, there is no prohibition for the appellants to take part in the auction, provided they have to pay the arrears of rent amount before participating in the auction.

4.In view of the fact that the appellants have already handed over the possession to the local body, nothing survives in this Writ Appeal and the same is dismissed. No costs. Consequently, connected Miscellaneous Petition is also closed.

5.Call the matter on 04.11.2019 under the caption "for reporting compliance".

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Assistant Director of Town Panchayat
Dharmapuri District,
Collectorate, Dharmapuri.

2.The Executive Officer,
Kambainallur Town Panchayat,
Kambainallur,
Dharmapuri District.

+1 cc to Mr.C.Munusamy, Advocate Sr.No. 80927
+1 cc to Mr.C.Prakasam, Advocate Sr.No.80870
+1 cc to The Government Pleader Sr.No.81603

AKM/14.10.19/3P-6C /

W.A.No.795 of 2017