

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2019

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

W.P. No. 31765 of 2018

and

W.M.P.Nos.36988 & 37197 of 2018

KakkanSelvakumar

... Petitioner

Vs.

1. The District Collector,
District Collector Office,
Salem District,
Salem.
2. The Assistant Director of Town Panchayat,
Salem District, Salem.
3. The Executive Officer,
Sentharappathi Town Panchayat,
Sentharappathi Village,
Gangavalli Taluk,
Salem District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records of impugned notice issued by the 3rd respondent and quash the same and consequently direct the 3rd respondent to permit the petitioner to continue the weekly market situated at Sentharampatti Village, Gangavalli Taluk, Salem District in whole lease period of 2018-2019 as per the extension order of the 3rd respondent made in Na.Ka.No.115/2018 dated 20.08.2018.

For Petitioner : Mr.M.Rajendiran

For Respondents : Mr.R.Govindasamy (for R1 & R2)
Special Government Pleader

: Mr.M.Ramesh (for R3)
Government Advocate

O R D E R

This writ petition has been filed challenging the notice issued by the Town Panchayat directing the petitioner to pay the remaining lease amount.

2. Admittedly, lease was granted in respect of a weekly market by the third respondent Panchayat in favour of the petitioner from the year 2016-2019. For the year 2016-2017, 2017-2018 the petitioner was in possession. For the year 2018-2019, the petitioner had only remitted a part of lease amount. Though the petitioner has to pay a sum of Rs.1,96,634/-, the petitioner has only deposited a sum of Rs.60,000/- leaving the balance of Rs.1,36,634/-. Since the above amount was not deposited by the petitioner, by means of impugned notice, the third respondent panchayat directed the petitioner to pay the amount, failing which, suitable action will be taken against him. Now challenging the above said notice, the present writ petition has been filed.

3. Heard both sides and perused the materials available on records carefully.

4. It is admitted fact that the petitioner has only paid part of the lease amount. The impugned notice was sent to the petitioner directing him to pay the remaining lease amount, failing which, suitable action will be taken as per the auction condition, for which the petitioner cannot have any grievance against the third respondent. In the said circumstances, I find no merits in the writ petition and the same is liable to be dismissed.

5. Accordingly, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

mrp

To

1.The District Collector,
District Collector Office,
Salem District,
Salem.

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2.The Assistant Director of Town Panchayat,
Salem District,
Salem.

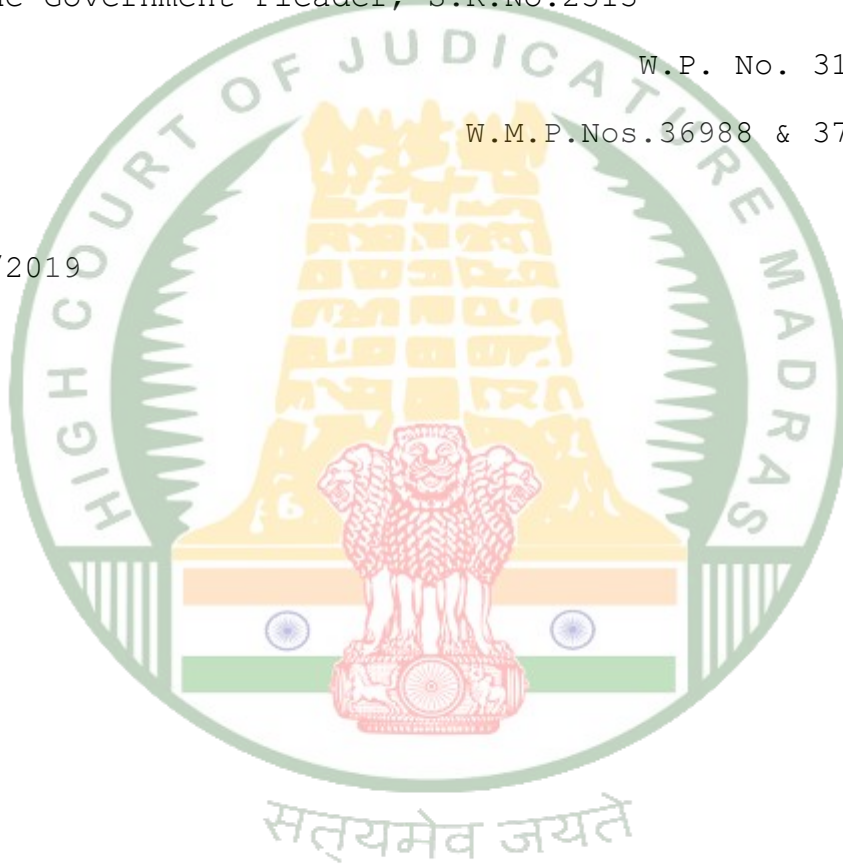
3.The Executive Officer,
Sentharappathi Town Panchayat,
Sentharappathi Village,
Gangavalli Taluk,
Salem District.

+lcc to Mr.M.Rajendiran, Advocate, S.R.No.1851
+lcc to the Government Pleader, S.R.No.2313

W.P. No. 31765 of 2018
and
W.M.P.Nos.36988 & 37197 of 2018

KJ(CO)

rrs 22/02/2019



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