



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P.(MD)Nos.4151, 4152, 4415, 4416, 4417, 4418

and 5287 of 2019

and

W.M.P.(MD)Nos.3248, 3249, 3250, 3251,4222, 4223, 4224, 3517, 3518, 3519, 3520, 3521, 3522, 3523 and 3524 of 2019

V.VENKATESHWARAN	... Petitioner in WP(MD).4151/19
R.SELVARAJAN	... Petitioner in WP(MD).4152/19
E.GANAPATHIYA PILLAI	... Petitioner in WP(MD).4415/19
M.MUTHURAMAN	... Petitioner in WP(MD).4416/19
M.SANKARASUBRAMANIAN	... Petitioner in WP(MD).4117/19
M.SANKARASUBRAMANIAN	... Petitioner in WP(MD).4118/19
S.RAMESH	... Petitioner in WP(MD).5287/19

Vs

The Executive Officer,
Alangulam Town Panchayat,
Alangulam,
Tirunelveli District.

... Respondent in WP(MD).4151 & 4152/19

THE EXECUTIVE OFFICER,
SPECIAL GRADE TOWN PANCHAYAT,
ALANGULAM,
TIRUNELVELI DISTRICT.

... Respondent in WP(MD).4415 TO 4418
and 5287/19

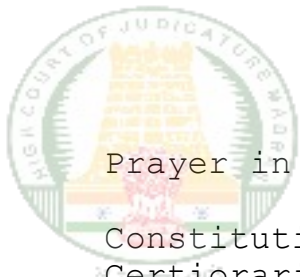
PRAYER in WP(MD).4151/2019: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records relating to the impugned Auction Notice in வெ.ஆ.எண்.40/2019, செ.ம.தொ.அ/திலி/வி dated 13.02.2019 published in Thina Thanthi News Paper on 14.02.2019, floated by the respondent in so far as Item No.26 alone and to quash the same.

Prayer in WP(MD). 4152/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorari calling for the records relating to the Impugned Auction notice in Ve.Aa.No.40/2019, Se.Ma.Tho.A/thili/vi dated 13.02.2019 published in Thina thanthi News Paper on 14.02.2019, floated by the Respondent in so far as Item No.24 lone and to quash the same.

Prayer in WP(MD). 4415/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorari to call for records in Na.Ka.No.55/2019 dated 06.02.19 from the respondent and quash the same as illegal in respect of bus stand IUDP Shop No.13.



Prayer in WP(MD). 4416/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorari to call for records in Na.Ka.No.55/2019 dated 06.02.19 from the respondent and quash the same as illegal in respect of bus stand Shop No.1.

Prayer in WP(MD). 4417/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorari to call for records in Na.Ka.No.55/2019 dated 06.02.19 from the respondent and quash the same as illegal in respect of bus stand IUDP Shop No.4.

Prayer in WP(MD). 4418/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorari to call for records in Na.Ka.No.55/2019 dated 06.02.19 from the respondent and quash the same as illegal in respect of bus stand IUDP Shop No.6.

Prayer in WP(MD). 5287/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified mandamus to call for the records pertaining to the impugned tender cum auction notification of the respondent dated 06/02/2019 in Na.Ka.No.55 of 2019 and quash the same and consequently direct the respondent to extent the lease period in respect of shop.no.4 in Alangulam Bus stand based on my request dated 19/02/2019 and in the light of G.O.No.92 of Tamil Nadu Municipal Administration and Water Supply Department .

For Petitioner : Mr.J.Ashok in
WP(MD) Nos.4151 & 4152/19

Mr.S.Kumar, in
WP(MD) Nos.4415 to 4418/19

Mr.K.Sudalaiyandi in WP(MD).5287/19

For Respondent : Mr.M.Rajarajan
Government Advocate in all WP's

COMMON ORDER

Heard the learned counsel on either side.

2.The petitioners herein are occupants of the shops belonging to the respondent. The petitioners have filed these writ petitions questioning the action of the respondent in bringing these shops to auction. This Court admitted these writ petitions and stayed the



confirmation alone. When these writ petitions were taken up for final disposal, the petitioners' counsel complained that even though the respondent Panchayat is owning a number of shops, it has selectively brought the petitioners' shops to auction.

3.The learned Standing Counsel appearing for the respondent submitted that the petitioners' shops were brought to auction only because the petitioners have not cleared the tax arrears. On the other hand, the other shop occupants do not have any tax arrears.

4.This Court wanted to know if the petitioners herein are ready and willing to clear the tax arrears within a period of four weeks. The petitioners through their counsel have given their consent for clearing their respective tax arrears on or before 22.04.2019.

5.The learned standing counsel for the respondent informed the Court that the panchayat has incurred expenses in publishing the impugned auction notices. He also submitted that the respondent will have to refund the amount deposited by the successful tenderers and bidders with interest.

6.The learned counsel for the petitioners states that the petitioners would bear the respective interest burden. The petitioners herein have been lessees under the respondent for more than 8 years. Therefore, the respondent is entitled to refix the monthly rental in terms of G.O.(Ms)No.92, Municipal Administration and Water Supply Department, dated 03.07.2007. The respondent has agreed to abide by the same.

7.Recording the aforesaid undertaking given by the writ petitioners, the notification impugned in these writ petitions, insofar as the petitioners are concerned, stand quashed. If the petitioners fail to honour the undertaking given in these proceedings, the order now passed would stand recalled insofar as they concerned. The learned counsel for the petitioners gives a further undertaking that they would not ask for any further extension of time and modification of the order now passed.

8.Accordingly, these writ petitions are allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CRL SIDE)

// True Copy //

Sub Assistant Registrar (CS)



To

The Executive Officer,
Alangulam Town Panchayat,
Alangulam,
Tirunelveli District.

2. THE EXECUTIVE OFFICER,
SPECIAL GRADE TOWN PANCHAYAT,
ALANGULAM,
TIRUNELVELI DISTRICT.

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.Nos. 54658, 54652,
54651, 54646

+2CC TO MR.J.ASHOK, Advocate Sr. No.54724

+1CC TO MR.S.KUMAR, Advocate Sr. No. 54509

+1CC TO MR.K.SUDALAIYANDI, Advocate Sr. No. 54487

**W.P.(MD) Nos.4151, 4152, 4415, 4416,
4417, 4418 and 5287 of 2019**

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