

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :09.03.2020
CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.Nos.22143 to22145 of 2012
and M.P.Nos. 1 & 2 of 2012 [in all W.Ps.]

M.Thirumurthy ...Petitioner in W.P.No.22143 of 2012

N. Arumugam ...Petitioner in W.P.No.22144 of 2012

K. Chandramohan ...Petitioner in W.P.No.22145 of 2012

-vs-

The Executive Officer,
Annur(Selection Grade) Panchayat
Coimbatore District - 641 653. ...Respondents [in all W.Ps.]

Common Prayer: Writ Petitions under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records of the respondent relating to the auction notice dated 02.08.2012 bearing Na.Ka.No.213 of 2010 and to quash the same insofar as it relates to shop Nos. 5,3, 1&2, respectively in Mettupalayam Road, Annur Town Panchayat, Coimbatore District and consequently direct the respondent to allot Shop.Nos.5,3, 1&2 respectively to the petitioner for 44 months from the date of handing over.

For Petitioners : Mr.S. Baskaran
[in all W.Ps.]

For Respondents : Mr.A.S. Thambusamy
[in all W.Ps.] for Mr. B.Anand

COMMON ORDER

Heard Mr.S. Baskaran, learned counsel for the petitioners and Mr.A.S.Thambusamy, learned counsel assisted by Mr.B. Anand, learned counsel for the respondent.

2. With consent of learned counsel on either side, the writ petition itself is taken up for final disposal.

3. The petitioners were granted with shops for lease in the building owned by the respondent-Annur (Selection Grade) Panchayat. The petitioners could not enjoy the entire period of lease as the respondent took a decision to demolish the

shops and put up new construction. Consequently, the petitioners were dispossessed. It appears that in respect of the remaining period of lease about eight months, the respondent directed the petitioners to come and collect the proportionate lease amount for the period, for which, the petitioners could not enjoy the lease. It appears that the petitioners did not collect the amount.

4. At this juncture, nothing more can be granted except to direct the respondent to refund the proportionate lease amount together with reasonable interest though the respondent afforded an opportunity to the petitioners earlier, the same was refused by them.

5. For all the above reasons, the writ petitions stand disposed of by directing the respondent to issue notice to the petitioner calling upon them to attend their office on a particular date, the amount for the proportionate period during which the petitioner could not enjoy the benefit of lease shall be computed and paid to the petitioners by way of demand draft together with 8% interest. Interest shall be paid from 2012 to till date of this order (i.e) 09.03.2020. No costs. Connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(AD I MDU)

//True Copy//

Sub Assistant Registrar

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To

The Executive Officer,
Annur(Selection Grade) Panchay
at Coimbatore District - 641 653.

+1cc to Mr.B.Anand , Advocate SR.No. 21004
+1cc to Mr.S.Baskaran , Advocate SR.No. 20527

W.P.Nos.22143 to22145 of 2012
and

M.P.Nos. 1 & 2 of 2012 [in all W.Ps.]

A.SK(01/10/2020)