

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 05.03.2020
CORAM
THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH
W.P.No.5400 of 2020
and
W.M.P.No.6328 of 2020

M. Sakthivel

... Petitioner

Vs.

Block Development Office,
Thalaivasal Panchayat Union,
Attur Taluk,
Salem District.

... Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of writ of mandamus, to direct the respondent to grant extension of renewal of lease to the petitioner with respect to Thalaivasal Daily Vegetable Market situated at Thalaivasal Post, Attur Taluk, Salem District for the year 2020-2021 in view of G.O.Ms.No.277, Rural Development (C-4) Department dated 22.11.2001 which is passed in the Tamil Nadu Panchayats (Procedure for conducting Public Auction of Leases and sales in Panchayats) Rules, 2001 based on the petitioner's representation dated 27.12.2019.

For Petitioner : Mr. M. Rajendiran
For Respondents: Mr. R.J. Radhika,
Government Advocate

O R D E R

This writ petition has been filed for the issue of writ of mandamus directing the respondent to grant extension of renewal of lease to the petitioner for the year 2020-2021.

2. The case of the petitioner is that he is an existing lease holder of Thalaivasal Daily Vegetable Market situated at Thalaivasal Post, Attur Taluk, Salem District. According to the petitioner, he is entitled for renewal of lease by virtue of G.O.Ms.No.277, dated 22.11.2001. The petitioner had approached this Court last year and filed W.P.No.5201 of 2019, seeking for renewal of lease during the year 2019-2020. This Court passed an order on 11.03.2019 directing the respondent to consider the application made by the petitioner for renewal.

3. Pursuant to the order passed by this Court, the petitioner had made a representation to the respondent and the

respondent had also extended and renewed the lease period. The petitioner has made a similar request through his representations dated 27.12.2019 and 27.01.2020, seeking for renewal of lease for the period 2020-2021. Since the same was not considered, the present writ petition has been filed before this Court seeking for appropriate direction.

4. The learned counsel for the petitioner submitted that the petitioner is entitled to be considered for renewal of lease by virtue of Tamilnadu Panchayats (Procedure for conducting Public Auction of Leases and sales in Panchayats) Rules, 2001. The learned counsel specifically relied upon Clause 23 of the Government order which deals with the renewal of lease and the matters to be taken into consideration by the authority while considering for renewal of lease. The learned counsel submitted that the lease period for the petitioner comes to an end on 31.03.2020. Therefore, sought for a direction to the respondent to consider the representations of the petitioner for renewal of lease in line with the said Government order.

5. The learned counsel appearing on behalf of the respondent submitted that the petitioner cannot claim renewal of lease as a matter of right and the representations made by the petitioner will be considered in accordance with the existing rules.

6. Taking into consideration of the facts and circumstances of the case and the relief sought for in this writ petition, there shall a direction to the respondent to consider the representations made by the petitioner on 27.12.2019 and 27.01.2020 and deal with the same strictly in accordance with law and take a decision, within a period of two weeks from the date of receipt of copy of this order. The petitioner is directed to make a fresh representation to the respondent along with the representations dated 27.12.2019 and 27.01.2020 and a copy of this order.

7. This writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

AT
To
The Block Development Office,
Thalaivasal Panchayat Union,
Attur Taluk, Salem District.
+1cc to Mr.M.Rajendiran , Advocate SR.No. 19556

W.P.No.5400 of 2020
and W.M.P.No.6328 of 2020