

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED : 17.03.2020  
CORAM  
THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH  
W.P No.6846 of 2020  
and W.M.P Nos.8157 & 8158 of 2020

A.Palani

Petitioner

vs.

1. The President,  
Kelur Village Panchayat,  
Polur Panchayat Union,  
Polur Taluk, Tiruvannamalai District.
2. The Block Development Officer,  
Kelur Village Panchayat,  
Polur Panchayat Union,  
Polur Taluk, Tiruvannamalai District.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the Auction Notice issued by the respondents in Na.Ka.Uoo.A4/772/2020 dated 03.03.2020 published in the Dhina Thandi Vellore Edition and quash the same and to consequently direct the respondents to renew the petitioner's license in respect of three years commencing from 01.04.2020 on payment of 15% enhanced license fee.

For Petitioner : Mr.G.Jeremiah

For Respondents: Mr.E.Balamurugan

Special Government Pleader

सत्यमेव जयते  
O R D E R

By consent of both sides, this writ petition is taken up for final disposal.

2.This writ petition has been filed challenging the Auction notice issued by the respondents dated 03.03.2020 and for a consequential direction to direct the respondents to renew the license of the petitioner.

3.The case of the petitioner is that, on 01.04.2019, the 2nd respondent had issued proceedings in favour of the petitioner renewing his license to collect the entry fee for the animal market from 01.04.2018 to 30.06.2019. Thereafter, it was again

renewed from 01.07.2019 to 31.03.2020.

4.The respondents had issued an Auction notice on 03.03.2020 inviting bids with respect to the grant of license to collect entry fee for the animal market owned by the respondents for the period of 01.04.2020 to 31.03.2021. Aggrieved by the same, the present writ petition has been filed before this Court seeking for appropriate directions.

5.The learned counsel for the petitioner submitted that the petitioner is entitled to be considered for renewal of license under Rule 11 of the Tamil Nadu Panchayat (Opening and Maintenance of Market) Rules, 2000. The learned counsel submitted that, as per the said Rule, a licensee can apply for renewal of license at least 30 days prior to the date of expiry of the existing license period. The learned counsel submitted that the license period for the petitioner comes to an end on 31.03.2020. Therefore, the petitioner made representations on 28.02.2020 and 06.03.2020 requesting for the renewal of the license from 01.04.2020 for a further period of one year. The learned counsel submitted that, even without considering the representation made by the petitioner, the respondents have proceeded further to issue the Auction notice and the proposed auction is going to be conducted on 18.03.2020. The learned counsel further submitted that the auction must not be conformed without first considering the request made by the petitioner who has sought for renewal of license.

6.The learned Special Government Pleader appearing on behalf of the respondents submitted that the petitioner has already been given renewal twice and the respondents want to augment more income by calling for a public auction. The learned counsel submitted that the respondents have the power and authority to auction the public market under Rule 6 of the above said Rules. The learned counsel submitted that the respondents will consider the representation made by the petitioner seeking for renewal of license and take a decision on the same.

7.This Court has carefully considered the submissions made on either side and also the materials available on record.

8.There is no dispute with regard to the facts of the case. It is an admitted case that the petitioner has been granted license for collecting entry fee for the animal market owned by the respondents till 31.03.2020. The petitioner has given a representation to the respondents seeking for renewal of license under Rule 11 of the Tamil Nadu Panchayat (Opening and Maintenance of Market) Rules, 2000. The grievance of the petitioner is that, without considering this request for renewal, the respondents have straight away issued an Auction

notice.

9.The respondents have taken a decision to auction the public market with an intention to augment the income of the Panchayat. Therefore, if the petitioner is able to offer the same rate that is offered as highest bid in the auction, the respondents will renew the license in favour of the petitioner. By doing so, the respondents are not deprived of the increased income and at the same time, the right of the petitioner to be considered for renewal of license can also be satisfied. In cases of this nature, this Court has to necessarily balance the rights of the petitioner and the Panchayat. When the petitioner is seeking for a renewal, the petitioner must be able to offer the rate which the Panchayat will get by putting the license for a fresh auction. The right of the petitioner to be considered for renewal cannot be at the cost of depriving the Panchayat the income to which it is entitled.

10.In view of the above, the respondents can proceed further with the auction. The highest rate that is offered in the auction can be put to the petitioner. If the petitioner is willing to pay that rate, the license of the petitioner can be renewed by the respondents. Otherwise, the respondents are entitled to grant the license in favour of the highest bidder from 01.04.2020.

11.This writ petition is disposed of with the above directions. Consequently, connected miscellaneous petitions are closed. No Costs.

Sd/-

Asst.Registrar (CS III )

/true copy/

Sub Asst. Registrar

ssr  
To

1. The President,  
Kelur Village Panchayat,  
Polur Panchayat Union,  
Polur Taluk,  
Tiruvannamalai District.

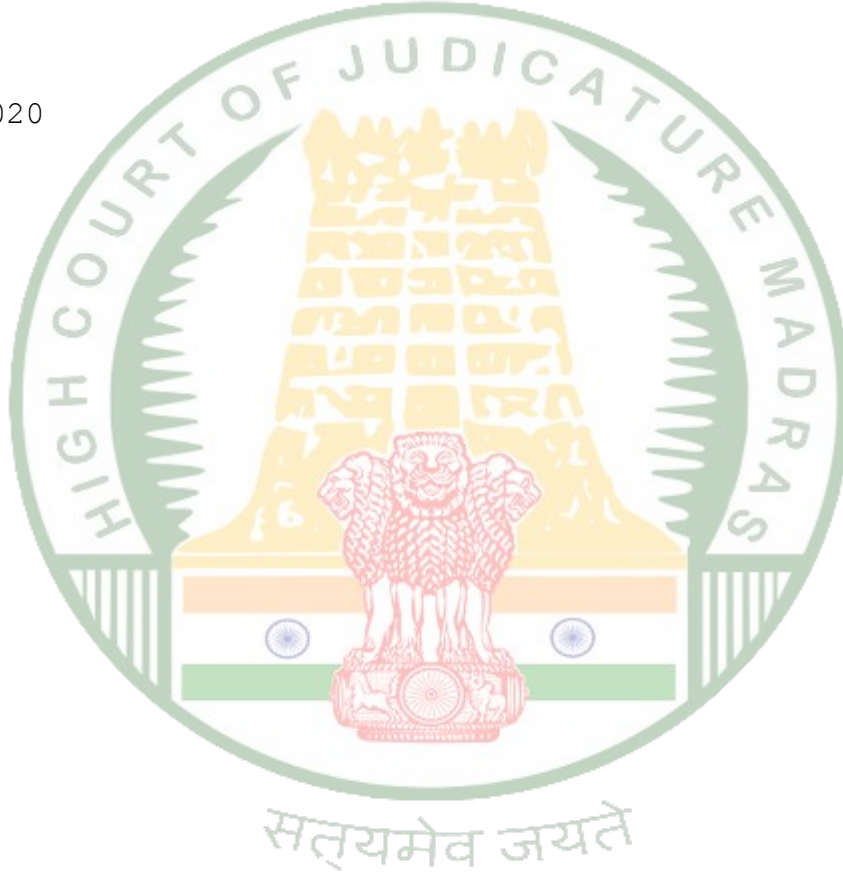
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2. The Block Development Officer,  
Kelur Village Panchayat,  
Polur Panchayat Union,  
Polur Taluk,  
Tiruvannamalai District.

+1 cc to Mr.G.Jeremiah Advocate sr23751

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rj(co)  
aa18/03/2020



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