



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.12.2020

CORAM

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P(MD)Nos.11272 to 11277, 10361, 10417, 10418 and 10422 of 2013
and

M.P. (MD) Nos.1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 2, 2, 2, 2, 2, 2, 2, 2, 2
and 2 of 2013

T.Gnanajothi,	... Petitioner in WP(MD). 11272/ 2013
K.Saravanan,	... Petitioner in WP(MD). 11273/ 2013
M.Sindhu,	... Petitioner in WP(MD). 11274/ 2013
Lakshmi	... Petitioner in WP(MD). 11275/ 2013
M.Subbu Lakshmi,	... Petitioner in WP(MD). 11276/ 2013
Sivasakthivel	... Petitioner in WP(MD). 11277/ 2013
S. Kothali,	... Petitioner in WP(MD). 10361/ 2013
K. Murugan,	... Petitioner in WP(MD). 10417/ 2013
S. Muppudathi Pillai,	... Petitioner in WP(MD). 10418/ 2013
Subbiah Thevar	... Petitioner in WP(MD). 10422/ 2013

- Vs. -

1. The District Collector,
Tirunelveli District.

2. The Commissioner,
Nanguneri Panchayat Union,
Nanguneri,

Tirunelveli District. ... Respondents in all Writ Petitions

COMMON PRAYER: Writ Petitions are filed under Article 226 of Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records on the file of the 2nd respondent pertaining to its order bearing No.A6.186/2010, dated 17.06.2013 published in Dhina Malar and quash the same and consequently, to direct the respondents to extend the lease period in accordance with G.O.Ms.No.92, dated 03.07.2007.

For Petitioners in all WPs	:Mr.S.C.Herold Singh
For Respondents 1 and 2	
in all WPs except WP(MD)No.10417 of 2013	
and for R-1 in WP(MD)No.10417 of 2013	:Mr.C.Ramesh
	Special Government Pleader
For R2 in WP(MD)No.10417 of 2013	:Mr.N.S.Karthikeyan



COMMON ORDER

(These Writ Petitions were heard through Video conference)

Since the issues involved in these Writ Petitions are one and the same, they are disposed of by a common order.

2. These Writ Petitions have been filed challenging the impugned notification, dated 17.06.2013 issued by the second respondent, which was published in Tamil daily, "Dinamalar".

3. In all these Writ Petitions, the respective petitioners had sought for extension of lease in accordance with G.O.Ms.No.92, dated 03.07.2007. In all these cases, it is the case of the respective petitioners that they were allotted shops by the second respondent on lease for a period of three years, but, they have not handed over possession, since the respective petitioners did not register the lease deed, as the lease is for a period of more than 11 months.

4. According to the respective petitioners, as per G.O.Ms.No.92, dated 03.07.2007, the lease period has to be extended for a consecutive period of three years with an escalation of 5% from the original amount. It is their case that in violation of G.O.Ms.No.92, dated 03.07.2007, the impugned notification has been issued calling for fresh auction in respect of the ten shops, which were allotted to the respective petitioners.

5. The impugned notification pertains to offering of lease for the period from 04.07.2013 to 03.07.2014. Even as per G.O.Ms.No.92, dated 03.07.2007, which the respective petitioners rely upon, the lease can be extended to the existing lessee only for a maximum period of nine years. Admittedly, in all these cases, more than nine years have lapsed, since the respective petitioners were offered lease by the second respondent for the respective shops. In the impugned notification, the second respondent has stipulated that lease will be granted only for a period of one year from 04.07.2013 to 03.07.2014.

6. After giving due consideration to the aforementioned factors, this Court is of the considered view that the relief sought for in all these Writ Petitions, has now become infructuous. Hence, these Writ Petitions are dismissed as infructuous. No costs. Consequently, connected miscellaneous petitions are closed.

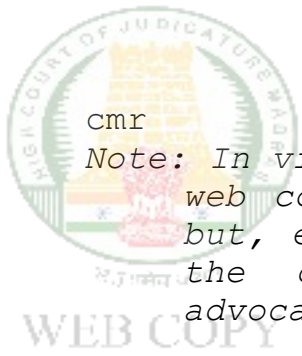
Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



cmr

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To
The District Collector,
Tirunelveli District, Tirunelveli.

+1cc to Mr.N.S.KARTHIKEYAN, ADVOCATE, SR NO.26747

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21.12.2020

VR(CO)
KK(18.01.2021) 3P 3C