



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.07.2020

CORAM :

THE HONOURABLE **MR.JUSTICE C.SARAVANAN**

W.P. (MD) Nos.7219, 7220, 7223, 7225, 7227, 7229 & 7230 of 2020
and
W.M.P. (MD) .Nos.6656, 6658, 6660, 6661, 6663, 6664,6668,
6669, 6670, 6671, 6672, 6674, 6675 & 6676 of 2020

M.Anthony Samy	... Petitioner in WP(MD). 7219 of 2020
P.K.T. Natarajan,	... Petitioner in WP(MD). 7220 of 2020
K.Leelavathi	... Petitioner in WP(MD). 7223 of 2020
P.V.Natarajan	... Petitioner in WP(MD). 7225 of 2020
A.Vijayakumar	... Petitioner in WP(MD). 7227 of 2020
B.Govindasamy	... Petitioner in WP(MD). 7229 of 2020
S.Subramani	... Petitioner in WP(MD). 7230 of 2020

Vs.

1.The Collector,
Dindigul District,
Dindigul.

2.The Commissioner,
Athoor Panchayat Union at Sempatti,
Athoor, Dindigul District.

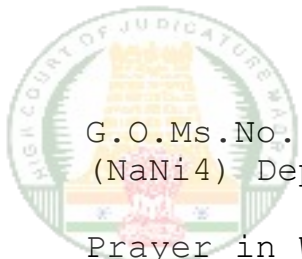
... Respondents

Prayer in WP(MD). 7219 of 2020 :

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 relating to the impugned order passed by the 2nd respondent in Na.Ka.No. 0392/2020/A1 dated 06.2020 (Signed on 19.06.2020) and quash the same as illegal and arbitrary and consequently direct the 2nd respondent to issue the order of renewal of lease for the Shop No.1 in accordance with G.O.Ms.No. 92/ 2007 Municipal Administration and Water Supply (NaNi4) Department Dated 03.07.2007.

Prayer in WP(MD). 7220 of 2020 :

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 relating to the impugned order passed by the 2nd respondent in Na.Ka.No. 0392/2020/A1 dated 06.2020 (Signed on 23.06.2020) and quash the same as illegal and arbitrary and consequently direct the 2nd respondent to issue the order of renewal of lease for the Shop No.5 in accordance with



G.O.Ms.No. 92/ 2007 Municipal Administration and Water Supply (NaNi4) Department Dated 03.07.2007.

Prayer in WP(MD). 7223 of 2020 :

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 relating to the impugned order passed by the 2nd respondent in Na.Ka.No.0392/2020/A1 dated .06.2020 Signed on 19.06.2020 and quash the same as illegal and arbitrary and consequently direct the 2nd respondent to issue the order of renewal of lease for the Shop No.9 in accordance with G.O.Ms.No.92/2007 Municipal Administration and Water Supply NaNi4 Department dated 03.07.2007

Prayer in WP(MD). 7225 of 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Pleased to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the 2nd respondent in Na.Ka.No.0392/2020/A1 dated .06.2020 (Signed on 19.6.2020) and quash the same as illegal and arbitrary and consequently direct the 2nd respondent to issue the order of renewal of lease for the Shop No.3 in accordance with G.O.Ms.No.92/2007 Municipal Administration and Water Supply (Na Ni4) Department Dated 03.7.2007

Prayer in WP(MD). 7227 of 2020 :

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 relating to the impugned order passed by the 2nd respondent in Na.Ka.No. 0392/2020/A1 dated 06.2020 (Signed on 19.06.2020) and quash the same as illegal and arbitrary and consequently direct the 2nd respondent to issue the order of renewal of lease for the Shop No.6 in accordance with G.O.Ms.No. 92/ 2007 Municipal Administration and Water Supply (NaNi4) Department Dated 03.07.2007.

Prayer in WP(MD). 7229 of 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Pleased to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the 2nd respondent in Na.Ka.No.0392/2020/A1 dated .06.2020 (Signed on 19.6.2020) and quash the same as illegal and arbitrary and consequently direct the 2nd respondent to issue the order of renewal of lease for the Shop No.13 in accordance with G.O.Ms.No.92/2007 Municipal Administration and Water Supply (Na Ni4) Department Dated 03.7.2007



Prayer in WP(MD). 7230 of 2020 :

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 relating to the impugned order passed by the 2nd respondent in Na.Ka.No. 0392/2020/A1 dated 06.2020 (Signed on 23.06.2020) and quash the same as illegal and arbitrary and consequently direct the 2nd respondent to issue the order of renewal of lease for the Shop No.4 in accordance with G.O.Ms.No. 92/ 2007 Municipal Administration and Water Supply (NaNi4) Department Dated 03.07.2007.

For Petitioner : Mr.M.Thirunavukkarasu

For Respondents : Mrs.S.Srimathy
Special Government Pleader.

ORDER

Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for respondents.

2. These Writ Petitions have been filed to issue a writ of Certiorarified Mandamus, to quash the impugned orders dated . 06.2020 (signed on 19.06.2020) bearing reference Na.Ka.No.0392/2020/A1 issued by the 2nd respondent to the respective petitioners for vacating of their shops and direct the 2nd respondent to issue order of renewal of lease for their shops in accordance with G.O.Ms.No.92/2007 Municipal Administration and Water Supply (NaNi4) Department dated 03.07.2007.

3. The petitioners had participated in the tender, pursuant to which they were put a possession of shops in the year 2016. The petitioners claim to have paid their advance and rent periodically. The period of lease under the tender was three years. Before the expiry of the lease period, the petitioners made applications for renewal of their lease and agreed to pay the enhanced rent as per the previous lease agreement. However, this was not accepted by the 2nd respondent. The 2nd respondent therefore proceeded to call for a fresh tender on 05.02.2019.

4. The petitioners herein successfully managed to challenge the aforesaid tender auction in W.P.(MD).Nos.3521 to 3527 of 2019. By an common order dated 25.02.2019, this Court ordered as follows:-

2.The writ petitioners are the existing licensees of the shops in question belonging to the respondent



panchayat union. The shops presently in occupation of the petitioners are sought to be brought to public auction. The petitioners question the impugned auction notice dated 05.02.2019. It is beyond dispute that the respondent has not published the auction notice in any newspaper. The procedure set out in Tamil Nadu Transparency in Tenders Act, 1998 was not followed.

3.That apart, as rightly pointed out by the learned counsel appearing for the writ petitioner even the upset price has not been mentioned. The respondent issued the tender schedule only to some named individuals.

4.Therefore, since the auction process is vitiated on these grounds, I have no hesitation to set aside the impugned auction notice in all these writ petitions. Accordingly they are set aside. These writ petitions stand allowed. No costs. Consequently, connected miscellaneous petitions are closed.

5. Thereafter, the lease period was extended for another one year. The 2nd respondent issued another tender. Earlier by an order dated 21.02.2020 bearing reference Na.Ka.No.0392/2020/A1, the 2nd respondent directed the petitioner to vacate their shops on or before 28.02.2020. This has been challenged by the petitioners in W.P.(MD).Nos.4667 of 2020 and batch. A successful bidder, in the said auction namely, V.Ramakrishnan had sought permission to implead himself in W.P.(MP).No.4669 of 2020 filing W.M.P.(MD). No.4862 of 2020. Since the auction was set aside by the District Collector, the said batch of Writ Petitions were closed along with the said Writ Miscellaneous Petition on 17.03.2020, on the ground that the auction itself had been set aside by District Collector by an order dated 05.03.2020 in Na.Ka.No.655/2020/A4.

6.Meanwhile, the petitioners gave their representation dated 19.05.2020 for renewal of the lease period to the 2nd respondent along with D.D. These representations, however, did not evoke any response from the 2nd respondent and were returned. Thereafter, the 2nd respondent also issued the impugned proceedings dated 19.06.2020 directing the petitioners to vacate the lease of premises on or before 01.07.2020. Challenging the same, the present Writ Petitions have been filed.

7. The learned Special Government Pleader appearing for the respondents submits that the 2nd respondent is entitled to float



fresh tender and, it is open for the petitioner to give their bids and participate in the tender.

8. Considering the fact that the representation dated 09.05.2020 of the petitioners, which were returned by the 2nd respondent, I am of the view the impugned order, directing the petitioners to vacate the lease premises, deserves to be quashed. The petitioners are directed to resubmit their representations with the 2nd respondent within a period of 15 days from the date of receipt of a copy of this order. The 2nd respondent is directed to consider and dispose the same along with the representations of the petitioners within 15 days thereafter, At the same time, it is also open for the respondents to proceed to float a fresh order for leasing the premises. It is open for the petitioners to participate in the tender. In case the petitioners are unable to succeed in the tender, the 2nd respondent will be entitled to evict the unsuccessful petitioners/petitioner from their/his/her premises as the case may be in accordance with law.

9. Accordingly, this Writ Petitions stand disposed of with the above directions. No cost. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(Crl. Side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Jen

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

1.The District Collector,
Dindigul District, Dindigul.

2.The Commissioner,
Athoor Panchayat Union at Sempatti,
Athoor, Dindigul District.

W.P.(MD) Nos.7219, 7220, 7223,
7225, 7227, 7229 & 7230 of 2020
02.07.2020

scr(CO)