

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15/3/2021

C O R A M

THE HONOURABLE Mr.JUSTICE B.PUGALENDHI

Writ Petition Nos.6554 and 6560 of 2021

G.Venkatachalam ... Petitioner in
W.P.No.6554 of 2021

R.Durairamasamy ... Petitioner in
W.P.No.6560 of 2021

Vs

1. The District Collector
(Development Section)
Salem District,
Salem 1.
2. The Assistant Director of Rural
Development Department
(Village Panchayats)
Office of the Collectorate
Salem District,
Salem 1.
3. The Block Development Officer (VP)
Tharamangalam Panchayat Union,
Tharamangalam Post,
Omalur Taluk,
Salem District 636 502.
4. The President
Pappampadi Village Panchayat
Tharamangalam Panchayat Union
Tharamangalam Post
Omalur Taluk
Salem District.

... Respondents in both the
writ petitions

Prayer: Petitions filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the respondents to extend the period of lease to collect fees/toll in the weekly shandy at Pappampadi Village

Panchayat, Taramangalam Panchayat Union, Omalur Taluk, Salem District to the petitioner from 1/4/2021 until fresh auction is held for the year 2021-2022.

For petitioners ... Mr.K.Raja

For respondents ... Mr.Ps.Sivashanmuga Sundaram
Special Government Pleader
for R.R.1 and 2.

Mr.M.Elumalai
Additional Government Pleader
for R.3

COMMON ORDER

These writ petitions have been filed to direct the respondents to extend the period of lease, to collect fees/toll in the weekly shandy, at Pappampadi Village Panchayat, Taramangalam Panchayat Union, Omalur Taluk, Salem District, to the petitioners from 1/4/2021 until fresh auction is held for the year 2021-2022.

2. The petitioners are the lessee for collecting toll charges in the weekly shandy at Pappampadi, and the lease period expired on 31/3/2021. Anticipating fresh auction, the petitioners had sought for further extension of two years, as per G.O.Ms.No.92, MAWS Department, dated 3/7/2007. But the respondents did not accept for the same and the respondents did not take any steps to conduct auction for the year 2021 - 2022 commencing from 1/4/2021 to 31/3/2022. Since the election date has been announced, the petitioners had approached the respondents by way of a representation, dated 1/3/2021. Since the same has not been considered so far, the petitioners have filed the present writ petitions praying for the relief, as stated supra.

3. Learned counsel appearing for the petitioner would submit that lease period is coming to an end on 31/3/2021 and due to the Election Notification, the respondents have not taken any steps for fresh auction and therefore, for the sake of revenue for the respondent Panchayat, the petitioners may be permitted to continue till the respondents conduct fresh auction.

4. Mr.Ps.Sivashanmuga Sundaram, learned Special Government Pleader takes notice for the respondents 1 and 2. Mr.M.Elumalai, learned Additional Government Pleader takes notice for the third respondent.

5. Mr.M.Elumalai, learned Additional Government Pleader appearing for the third respondent would submit that the lease period is for a specific period i.e., from 2019 - 2020 and the lease period comes to an end, on 31/3/2021 and thereafter, the petitioners are not having a right to continue the lease.

6. He would further submit that due to the Election Notification, they have not proceeded with any Notification for fresh auction. Instead of awarding the contract to any other person, in the interregnum period, the respondents themselves would collect the toll fee for the weekly Shandy and therefore, there is no necessity for extending the lease period to these petitioners.

7. Recording the submission of the learned Government Advocate appearing for the third respondent, these writ petitions are closed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

MVS

To

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Salem 1.
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Tharamangalam Panchayat Union
Tharamangalam Post
Omalur Taluk
Salem District.

+2cc to Mr.K.Raja, Advocate, S.R.No.16203 & 16202

+1cc to the Government Pleader, S.R.No.16732, 16733 & 16916

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SKY(CO)

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