



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.06.2021

CORAM:

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THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD).Nos.10780 to 10782, 10784 & 10786 of 2021
and

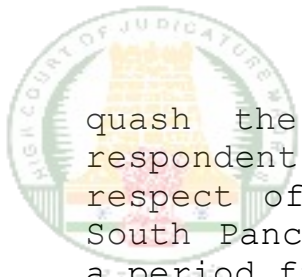
W.M.P.(MD).Nos.8405, 8406, 8408, 8409, 8412, 8413, 8415, 8416,
8420 & 8422 of 2021

Shanmugam	... Petitioner in WP(MD)No.10780/2021
Duraisamy	... Petitioner in WP(MD)No.10781/2021
Murugavel	... Petitioner in WP(MD)No.10782/2021
Shanmugam	... Petitioner in WP(MD)No.10784/2021
Kumarasamy	... Petitioner in WP(MD)No.10786/2021

Vs.

1. The District Collector,
Karur District, Karur.
2. The Assistant Director of Panchayat,
Karur District, Karur.
3. The Block Development Officer,
K.Paramathi Panchayat Union,
Karur District.
4. The Special Officer,
Thennilai South Panchayat,
K.Paramathi Panchayat Union,
Karur District.
5. The President,
Thennilai South Panchayat,
Thennilai Post-639 206,
K.Paramathi Panchayat Union,
Pugalur Taluk, Karur District. ... Respondents in all WPs

Common Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned



quash the same as illegal, consequently directing the fifth respondent to renew the lease cum license to the petitioner in respect of Shop No.1, 4, 5, 3 and 2 Shopping Complex, Thennilai South Panchayat, K.Paramathi Panchayat Union, Karur District, for a period from 01.07.2021 to 30.06.2022.

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For Petitioner : Mr.K.Sathish Kumar
For R-1 & R-2 : Mr.M.Lingadurai,
Government Advocate
For R-3 to R-5 : Mr.P.Thilakkumar
(In all Writ Petitions)

COMMON ORDER

The issue involved in all these Writ Petitions are common and hence, they are taken up together, heard and disposed of through this common order.

2. All these Writ Petitions have been filed challenging the impugned tender notice issued by the fifth respondent and for a consequential direction to the fifth respondent to renew the lease-cum-license given to the petitioners for the period from 01.07.2021 to 30.06.2022.

3. The case of the petitioners is that they were issued with lease-cum-license to run their shops in the shopping complex belonging to the fifth respondent for the period upto 30.06.2021. The further case of the petitioners is that due to the lockdown , they were not even able to open their shops for nearly one year and they have suffered severe loss. The further case of the petitioners is that they have also paid the entire rent for the lease period of three years. Hence, a representation was made to the respondents seeking for an extension of the lease-cum-license from 01.07.2021 to 30.06.2022. While so, the fifth respondent has proceeded to issue auction notice on 20.06.2021 and the auction is slated to be held on 29.06.2021 at 11.00 a.m. Aggrieved by the same, the present Writ Petitions have been filed before this Court.

4. Heard Mr.K.Sathish Kumar, learned counsel appearing for the petitioners, Mr.M.Lingadurai, learned Government Advocate appearing for the respondents 1 and 2 and Mr.P.Thilakkumar, learned counsel appearing for the respondents 3 to 5.

5. It is seen from records that the petitioners, who were successful bidders during the previous auction, were granted the lease-cum-license to run their shops in the shopping complex belonging to the fifth respondent and their period comes to an end on 30.06.2021. Hence, the fifth respondent has decided to conduct a fresh auction and impugned notice has been issued.



6. Insofar as the claim made by the petitioners seeking for extension of the lease-cum-license period, the petitioners do not have any legal right to insist for such an extension. A Mandamus cannot be issued in this regard. If the petitioners have made representations seeking for refund or adjustment of the rent amount during the lockdown period, it is left open to the fifth respondent to consider the same independently and convey the decision to the petitioners. This Court is not inclined to entertain the request made by the petitioners seeking for extension of the lease-cum-license period.

7. The next issue that arises for consideration is with regard to the validity of the auction notice issued by the fifth respondent. For this purpose, it will be more beneficial to extract Rule 14 of the Tamil Nadu Panchayats (Procedure for conducting public auction of leases and sales in Panchayats) Rules, 2001:-

"14.Issue of auction notice:- (1) The notice of auction of lease or sale may be issued not less than ten days and not more than twenty one days prior to the date of auction or sale. The Panchayat shall approve the terms and conditions and for each kind or type of lease, before they are included in the auction notice. If new conditions or terms are to be included or existing conditions or terms to be amended, the prior approval of the Panchayat shall be necessary. The notice may contain, inter alia terms and conditions on the following matters, subject to which the lease shall be granted:-.

....."

8. It is clear from the above that the notice of auction of lease-cum-license may be issued not less than ten days and not more than 21 days prior to the date of auction. In the present case, the notice of auction is 20.06.2021 and the auction is slated to be held on 29.06.2021. This notice does not satisfy the requirement under Rule 14 extracted supra.

9. When this was brought to the notice of the learned counsel appearing on behalf of the fifth respondent, the learned counsel fairly submitted that the fifth respondent will issue a fresh auction notice in compliance with Rule 14.

10. In view of the specific stand taken by the fifth respondent, there shall be a direction to the fifth respondent to issue a fresh auction notice strictly in compliance with Rules 14 and 15 of the Tamil Nadu Panchayats (Procedure for conducting public auction of leases and sales in Panchayats) Rules, 2001 and



proceed further to bring the shops for auction in order to grant lease-cum-license. It is left open to the petitioners to participate in the auction and submit their bid. It is also made clear that the petitioners shall vacate and hand over the shops to the fifth respondent on or before 01.07.2021.

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11. All these Writ Petitions are disposed of with the above directions. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

Tsg

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,
Karur District, Karur.
2. The Assistant Director of Panchayat,
Karur District, Karur.
3. The Block Development Officer,
K.Paramathi Panchayat Union,
Karur District.
4. The Special Officer,
Thennilai South Panchayat,
K.Paramathi Panchayat Union,
Karur District.



5. The President,
Thennilai South Panchayat,
Thennilai Post-639 206,
K.Paramathi Panchayat Union,
Pugalur Taluk, Karur District.

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+1 cc to The Special Government Pleader Sr.No.20731

**Common Order made in
W.P. (MD) .Nos.10780 to 10782,
10784 & 10786 of 2021**

**Dated :
29.06.2021**

KM(01.07.2021) 5P 7C