



W.P(MD)Nos.13841 of 2022 and batch

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.07.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)Nos.13841, 13842, 13843, 13844, 13845,
13846, 13847, 14714 and 14715 of 2022
and

W.M.P.(MD)Nos.9838, 9839, 9836, 9837, 9847, 9851, 9844, 9848, 9580, 9842,
9843, 9846, 9849, 9841, 9845, 10495, 10496, 10500 and 10504 of 2022

W.P.(MD)No.13841 of 2022:-

S.Suresh

... Petitioner

Vs.

1.The Assistant Director of Panchayat,
O/o. Assistant Director of Panchayat,
Collectorate Campus,
Madurai District,
Madurai.

2.The Commissioner,
Usilampatti Panchayat Union,
Usilampatti,
Madurai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the 2nd respondent in connection with the impugned notice issued by him in Na.Ka.No.1693/2021/A4 dated 17.03.2022 and quash the



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same and thereby direct the respondents to re-fix the rent of the shop No.14 possessed by the petitioner based on the prevailing market rate or on the basis of fixation of fair rent based on his representations dated 23.12.2021 and 31.03.2022 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.K.Gurunathan

For Respondents : Mr.Veerakathiravan,
Additional Advocate General,
Assisted by Mr.M.Prakash,
Addl. Government Pleader for R1.

Mr.V.Nirmalkumar for R2.

COMMON ORDER

Heard the learned counsel for the writ petitioners, the learned Additional Advocate General for the first respondent and the learned counsel for the second respondent.

2.The writ petitioners had taken the petition mentioned shops belonging to Usilampatti panchayat union on three years lease. Pursuant to the order passed by the Hon'ble Division Bench in W.P.(MD)No.12372 of 2021 dated 22.07.2021, the petition mentioned shops were brought to public action. The



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tender/auction notice was issued on 03.09.2021. The auction/tender took place on 14.09.2021. The petitioners were the successful bidders. By the impugned memoranda, the petitioners have been called upon to pay the rental arrears. The petitioners' counsel would contend that while similarly placed persons continued to occupy their respective shops by paying only a nominal amount as rent, the petitioners have been asked to pay an exorbitant sum towards lease rent. The grievance of the petitioners may be justified. But then, I cannot lose sight of the fact that the petitioners have voluntarily and with open eyes courted liability. Nobody compelled the petitioners to take part in the public action or offer such a huge bid. Having taken part in the public action and taken the lease also, they cannot now wriggle out of the contractual obligations. Therefore, I do not find any ground to interfere with the impugned memoranda and these writ petitions stand dismissed. I however make it clear that the respondents are duty bound to bring the other shops belonging to them to public auction so that the principle of parity is upheld. No costs. Consequently, connected miscellaneous petitions are closed.

08.07.2022

Index : Yes / No
Internet : Yes/ No
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To:

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G.R.SWAMINATHAN, J.

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