



W.P.(MD)No.18193 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.08.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.18193 of 2022

Kanagaraj

... Petitioner

Vs

1.The District Collector,
Madurai District,
Madurai.

2.The Assistant Director,
Rural Development and Panchayat Raj Department,
Madurai District Collectorate Complex,
Madurai.

3.The Commissioner cum Tender Inviting Authority,
Usilampatty Panchayat Union,
Usilampatty,
Madurai.

4.The Chairman,
Usilampatty Panchayat Union,
Usilampatty,
Madurai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the third respondent herein to issue license order in respect of the NABARD Shop No. 36 as per the Tender Notification dated 18.05.2022 and hand over the shops and to fix the license



W.P(MD)No.18193 of 2022

commencement period of three years from the date of hand over, considering the payment of bid amount along with one year rent as deposit i.e. Rs. 43,573/- (Rupees Forty Three Thousand Five Hundred and Seventy Three only) by the petitioner to the credit of the third respondent's office through challan bearing No. 1424, dated 20.06.2022 as per the notice in Na.Ka.No.909/2022/A4, dated 10.06.2022 issued by the third respondent forthwith within the time stipulated by this Court.

For Petitioner : Mr.Mithun Chakravarthi
For Respondents : Mr.Veera Kathiravan
Additional Advocate General
Assisted by
Mr.G.Sivaraja
Government Advocate

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Additional Advocate General assisted by the learned Government Advocate appearing for the respondents.

2. Usilampatty Panchayat Union issued tender notification for leasing out the petition mentioned shop. The petitioner turned out to be the highest bidder. Since the lease was not granted to him he filed the present writ petition.

3. When the matter was taken up for hearing, the learned Additional Advocate General assisted by the learned Government Advocate appearing for



W.P(MD)No.18193 of 2022

the respondents submitted that the order has been issued granting lease in favour of the writ petitioner.

4. But the matter cannot be closed as infructuous. This is because the petition mentioned shop is presently in occupation of the previous licensee. The respondents are, therefore, directed to treat the previous licensee as encroacher and take emergent steps to effect their petition mentioned premises. The license period of the petitioner will commence from the date when the petition mentioned shop is physically handed over to the petitioner.

5. This writ petition is allowed on these terms. No costs.

25.08.2022

Index : Yes / No
Internet : Yes/ No
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W.P(MD)No.18193 of 2022

G.R.SWAMINATHAN, J.

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W.P.(MD)No.18193 of 2022

25.08.2022