



W.P(MD)No.23296 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.07.2022

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**W.P(MD)No.23296 of 2021**

**and**

**W.M.P(MD)Nos.19731 & 19733 of 2021**

Rasaiya

... Petitioner

Vs

The Thisayanvilai Town Panchayat,  
Through its  
Executive Officer,  
Thisayanvilai,  
Radhapuram Taluk,  
Tirunelveli District.

... Respondent

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the respondent herein vide proceedings in Na.Ka.No.42/2019 dated 21.12.2021 and quash the same as illegal and further direct the respondent herein to remove the lock and seal in Shop Nos.1 & 2, All Town Panchayat Anna Marumalarchi Scheme, Thisayanvilai Town Panchayat, Thisayanvilai, Tirunelveli District, within a stipulated time fixed by this Court.



W.P(MD)No.23296 of 2021

For Petitioner : Mr.D.Nallathambi  
For Respondent : Mr.S.P.Maharajan  
Special Government Pleader

### **ORDER**

Heard the learned counsel on either side.

2. The petitioner was inducted as a tenant under the respondent Panchayat in respect of the petition mentioned shops. The grievance of the petitioner is that fair rent was not fixed and that is why the petitioner could not fulfil his contractual obligation. The stand of the petitioner is that without giving a fair opportunity to the petitioner, by the impugned proceedings, the shops have been locked and sealed. Seeking its removal, the present writ petition has been filed.

3. The learned counsel appearing for the writ petitioner reiterated all the contentions set out in the affidavit in support of the writ petition and called upon this Court to grant relief as prayed for.

4. I am not persuaded by the submissions of the learned counsel appearing for the petitioner. As pointed out by the learned Standing Counsel appearing for the respondent Panchayat, the arrears payable by the petitioner has mounted to a huge figure. It is seen that the default is from the year 2013



**W.P(MD)No.23296 of 2021**

onwards. When the Panchayat fixed the fair rent, the petitioner filed a civil suit. The matter went right upto Second Appeal. This is virtually the second round of litigation. When the petitioner's challenge to the fixation of rent was unsuccessful, the petitioner was bound to pay the amount as fixed by the respondent Panchayat. When the petitioner committed default, the respondent Panchayat was left with no option but to lock and seal the premises. The step taken by the respondent Panchayat cannot be set to be illegal. In any event, grant of relief under Article 226 of Constitution of India depends on the conduct of the petitioner. The petitioner has committed default right from the year 2013 onwards. He is not justified in calling upon this Court to direct the respondent to open the shops in question.

5. The writ petition stands dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

**13.07.2022**

Index : Yes / No  
Internet : Yes/ No  
mga



WEB COPY



W.P(MD)No.23296 of 2021

**G.R.SWAMINATHAN, J.**

mga

To

The Executive Officer,  
Thisayanvilai Town Panchayat,  
Thisayanvilai,  
Radhapuram Taluk,  
Tirunelveli District.

W.P.(MD)No.23296 of 2021

13.07.2022