



WEB COPY



W.P.Nos.801 & 806 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

WP.Nos.801 & 806 of 2023

M.Devendran ...Petitioner in W.P.No.801 of 2023

D.Ramya ...Petitioner in W.P.No.806 of 2023

Vs

1. The Panchayat President,
Thalaivasal Panchayat, Thalaivasal Panchayat Union,
Thalaivasal Taluk, Salem District.
2. The Block Development Officer,
Thalaivasal Taluk, Salem District. ...1 & 2 Respondents in both WPs.
3. M.Sakthivel
[R3 impleaded vide Order dated 03.02.2023 made in
WMP.2797 of 2023 in W.P.No.801 & 806 of 2023 by NSKJ]
... 3rd Respondent in W.P.No.801
of 2023

Prayer:- Writ Petitions filed under the Article 226 of Constitution of India, to issue a Writ of Mandamus to direct the second respondent to grant extension of renewal of lease to the petitioner with respect to Thalaivasal Daily Vegetable Market and Tuesday Vegetable market respectively situated at Thalaivasal Post, Thalaivasal Taluk, Salem District for the year



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2023-2024 in view of G.O.Ms.No.277, Rural Development [C-4] Department dated 22.11.2001, which is passed in the Tamilnadu Panchayats [Procedure for Conducting Public Auction of Leases and Sales in Panchayat] Rules, 2001 based on the petitioner's representation dated 07.12.2022.

For Petitioners : Mr.R.Singaravelan, SC
for Ms.S.Vinodha in both petitions

For Respondents : Mr.V.Baranidharan
Additional Government Pleader–R1 & R2
in both WPs

Mr.R.Sankarasubbu – R3 in
W.P.No.801 of 2023

COMMON ORDER

These Writ Petitions have been filed to direct the second respondent to grant extension of renewal of lease to the petitioners with respect to Thalaivasal Daily Vegetable Market and Tuesday Vegetable market respectively for the year 2023-2024 in view of G.O.Ms.No.277, Rural Development [C-4] Department dated 22.11.2001, which is passed in the Tamilnadu Panchayats [Procedure for Conducting Public Auction of Leases and Sales in Panchayat] Rules, 2001 based on the petitioners' representation dated 07.12.2022.



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2. The case of the petitioners is that the petitioners are lessees for the shop and lease expires on 31.03.2023. The petitioners have also given applications for renewal of their lease. Their representations have not been considered by the respondents. Hence, seeks a direction.

3. The learned Additional Government Pleader appearing for the first and second respondents, on instructions, submitted that the representations of the petitioners have been considered, in the resolution passed by the Panchayat on 23.11.2022 and the Panchayat has unilaterally decided not to extend the lease and the representations of the petitioners have been rejected.

4. In such a view of the matter, as a matter of right, a direction cannot be issued and it is for the panchayat to decide whether to renew the lease or not and the petitioner cannot direct the panchayat. Further, the resolution passed by the panchayat has also not been challenged. If at all the petitioners are still is of the view that the members are supporting them, they can challenge the resolution.



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5. With the above observations, these Writ Petitions are dismissed

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No costs.

01.03.2023

Index:Yes/No

Neutral Citation : Yes/No

vrc

To,

1. The Panchayat President,
Thalaivasal Panchayat, Thalaivasal Panchayat Union,
Thalaivasal Taluk, Salem District.
2. The Block Development Officer,
Thalaivasal Taluk, Salm District.



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N.SATHISH KUMAR, J.

VTC

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01.03.2023