



W.P.(MD)No.23326 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.23326 of 2023

and

W.M.P.(MD)No.19510 of 2023

V.V.S.Sundaram

... Petitioner

versus

1. The District Collector,
Virudhunagar District.

2. The Assistant Director of
Town Panchayats,
Madurai Zone,
Madurai – 2.

3. The Executive Officer,
Watrap Town Panchayat,
Virudhunagar District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to forbear the 3rd respondent from conducting public auction for granting lease in respect of Muthalamman Chavadi Latrine situated in Watrap Taluk, Virudhunagar District for the year 2023-2024 and consequently, direct



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the 3rd respondent to extend the lease period of the petitioner for the year 2023-2024 as per clause 2 of the tender notification dated 07.06.2022 in Na.Ka.No.258/2022.

For Petitioner : Mr.G.R.Sathish

For R1 and R2 : Ms.D.Farjana Ghoushia,
Special Government Pleader

For R3 : Mr.Ragaventhira,
Government Advocate

ORDER

This writ petition is filed for a Mandamus, forbearing the 3rd respondent from conducting public auction for granting lease in respect of Muthalamman Chavadi Latrine situated in Watrap Taluk, Virudhunagar District for the year 2023-2024 and consequently, direct the 3rd respondent to extend the lease period of the petitioner for the year 2023-2024 as per clause 2 of the Tender Notification dated 07.06.2022 in Na.Ka.No.258/2022.

2. The learned counsel appearing for the petitioner submits that the petitioner was granted lease in respect of Muthalamman Chavadi



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Latrine for a period from 16.09.2022 to 15.09.2023 and the same was expired on 15.09.2023. According to him, as per clause 2 of the Tender Notification dated 07.06.2022, on completion of one year of the lease period, if the existing lease holder is willing to pay the previous lease amount along with the excess amount of 5% on the lease amount, the erstwhile lessee should be permitted to continue the lease for the next year also. Though the petitioner has approached the respondents and expressed his willingness to continue the lease by remitting the excess amount of 5% of the previous lease amount, the 3rd respondent has issued a Tender Notification dated 01.09.2023 by fixing the date of auction on 13.09.2023 and directed the petitioner to participate in the public auction. Hence, the petitioner has filed this writ petition.

3. This Court has considered the submissions of the learned counsel for the petitioner and also perused the materials placed on record.



4. The petitioner was granted lease in respect of Muthalamman

Chavadi Latrine for a period from 16.09.2022 to 15.09.2023. In clause (2) of the Tender Notification dated 07.06.2022, it is stated that if a proposal was made for payment of additional 5% of the amount on or before 31.12.2023, he would be considered for extension of lease. However, this condition is not available in the order of allotment given to the petitioner. Moreover, the Government has brought in Tamil Nadu Urban Local Bodies Rules, 2023. As per Rule 316(2) of the Tamil Nadu Urban Local Bodies Rules 2023, on completion of lease period, extension or renewal of the lease cannot be permitted. The same is extracted as under:

“316. Licensing or leasing of Immovable Properties -

(1)

(2) After the completion of the period prescribed in sub-rule(1), no extension or renewal of the same lease shall be permitted and any applications for the same shall be considered afresh in accordance with provisions of the Act and Rules.”



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5. In the absence of any condition in the allotment order and in view of the provisions under Rule 316(2) of the Tamil Nadu Urban Local Bodies Rules 2023, this Court is not inclined to grant any relief as prayed for in this writ petition.

6. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

25.09.2023

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

To

1. The District Collector,
Virudhunagar District.
2. The Assistant Director of Town Panchayats,
Madurai Zone,
Madurai – 2.



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3. The Executive Officer,
Watrap Town Panchayat,
Virudhunagar District.

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