



W.P. No. 6541 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2024

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 6541 of 2024

A.Arunachalam

... Petitioner

-VS-

1. The Director,
Town Panchayat,
Chennai - 600 108.
2. The District Collector,
Salem District,
Salem - 1.
3. The Assistant Director,
Town Panchayat,
Salem - 1.
4. The Executive Officer,
Town Panchayat,
Omalur.
5. The Chairman,
Town Panchayat,
Omalur Town,
Salem District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the First and Second Respondents to consider the representation dated 12.02.2024.



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For Petitioner : Mr. C.Deepakkumar
For Respondents : Mr. P.Ganesan,
Additional Government Pleader
(for R1 to R3)
Mr. M.Venkateswaran (for R4 & R5)

ORDER

Heard Mr. C.Deepakkumar, Learned Counsel for the Petitioner, Mr. P.Ganesan, Learned Additional Government Pleader, who takes notice for the First to Third Respondents, and Mr. M.Venkateswaran, Learned Counsel, who takes notice for the Fourth and Fifth Respondents, and perused the materials placed on record, apart from the pleadings of the parties.

2. It is the case of the Petitioner that he is a resident of Thekampatti, Salem and is interested to carry on business by taking on lease the shops belonging to the Government and the Fourth Respondent located in and around the Bus Stand at Omalur, and during such enquiry, he came to know that the continuance in occupation by the persons in respect of 183 shops in the southern side of Omalur Bus Stand after the expiry of their respective leases is illegal and no action has been taken by the Respondents for evicting them and conducting fresh auction as required in Rule 316 of the Tamil Nadu Urban



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Local Bodies Rules, 2023 (hereinafter referred to as 'the Rules' for short).

Though he had made a representation dated 12.02.2024 to the Respondents to take appropriate corrective measures, it has not evoked any response, which has necessitated the filing of this Writ Petition.

3. Learned Counsel appearing for the Respondents has filed a memo dated 15.03.2024 stating that the Council of the Town Panchayat, Omalur, Salem District has passed Resolution No. 23(23) dated 22.01.2024 to conduct fresh public auction in respect of all the said 183 shops including toll collecting rights of public toilet at Omalur Bus Stand for the year 2024 and necessary action is taken in that regard. It is needless to add here that it shall be incumbent upon the Respondents to individually examine the nature of occupation *viz-a-viz* the period of lease in respect of each shop and depending upon its outcome, determine the further course of action to be followed in accordance with law, and that the eviction of the unauthorized occupants after the expiry of the lease shall be strictly in accordance with Rule 319 of the Rules read with the Tamil Nadu Public Premises (Eviction of Unauthorized Occupants) Act, 1975 and the rules made thereunder.



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4. In view of the same, nothing remains for further consideration in the Writ Petition, but if the Petitioner still has any grievance to be redressed in the matter, he is not precluded from working out his remedies before the proper forum in the manner recognized by law.

In the result, the Writ Petition is disposed with the aforesaid observations.

No costs.

15.03.2024

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 31.05.2024.

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To

1. The Director,
Town Panchayat,
Chennai - 600 108.
2. The District Collector,
Salem District,
Salem - 1.
3. The Assistant Director,
Town Panchayat,
Salem - 1.
4. The Executive Officer,
Town Panchayat,
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5. The Chairman,
Town Panchayat,
Omalur Town,
Salem District.



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P.D. AUDIKESAVALU, J.

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