



W.P.(MD) No.10357 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.10357 of 2019

and

W.M.P(MD)Nos.7975 and 7976 of 2019

A.Chellam

... Petitioner

Vs.

- 1.Special Officer,
T.Kallupatti Town Panchayat,
T.Kallupatti, Madurai District.
- 2.The Executive Officer,
T.Kallupatti Town Panchayat,
T.Kallupatti, Madurai District.
- 3.The District Collector,
Madurai District,
Madurai Collector Office Campus,
Madurai.
- 4.The District Public Relations Officer,
Madurai Collector Office campus,
Madurai.

5.Manickam

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order in Na.Ka.235 of 2018 dated 08.01.2019, 31.12.2018 and the impugned approval order on 30.01.2019 on the file of the 1st and 2nd respondent and quash the same as illegal and consequently direct the respondents 1 and 2 to hold fresh auctions for shop number 19 and 20 strictly adhering to the rules mentioned in TNTIT Act.

For Petitioners	:	Mr.K.K.Balaram
For R1 to R4	:	Mr.D.Farjana Ghoushia Special Government Pleader
For R5	:	Mr.C.Sundaravadivel

ORDER

The second respondent has conducted a public auction for leasing out the shops in T.Kallupatti Bus stand. The petitioner, with a grievance that the second respondent has not conducted the public auction in accordance with law and has violated the Tamil Nadu Transparency in Tenders Act and other relevant Rules, filed this writ petition challenging the orders of allotment made in favour of the fifth respondent.



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2. The learned counsel for the petitioner submits that the fifth respondent was the ex-chairman of the T.Kallupatti Panchayat Union and without conducting proper auction, the shops were allotted in favour of the fifth respondent. The learned counsel for the petitioner, in support of his case, has also pointed out certain violation in the writ petition.

3.The learned Special Government Pleader appearing for the respondents 1 to 4 submits that the auction was conducted in a proper manner and in fact, the petitioner was allotted with the shop No.14 in the auction.

4.The learned counsel for the fifth respondent submits that the second respondent had conducted the auction as per the Rules and since the fifth respondent was the successful bidder in respect of the Shops No. 18, 19 and 20, the second respondent herein had allotted the said shops to him.

5.Heard the learned counsel on either side.



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6.The orders impugned in this writ petition are pertaining to the year 2018. The public auction was conducted on 31.12.2018 for the allotment of the shops in T.Kallupatti Bus stand. As per the notification, the auction was conducted for a period of three years. The lease period of the year 2018 was over in the year 2021. Therefore, the relief sought for in this writ petition has become infructuous.

7.However, in the year 2021, instead of conducting fresh public auction, it appears that the Executive Officer, by referring to G.O.(Ms) No.92, Municipal Administration and Water Supply Department, dated 03.07.2007, has extended the lease for a further period of three years to the same levels with effect from 29.12.2021 to 29.12.2024.

8.The object of any Municipality/local body is to augment revenue through its properties. The parties, who obtained the shops in a public auction, cannot be allowed to continue to hold the property for years together, without conducting a public auction.



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9.That apart, the licensing / leasing of any immovable property is governed under Rule 316 of the Tamil Nadu Local Bodies Rules, 2023 and as per this provision, there cannot be any lease after a period of three years. For better appreciation, the same is extracted as under:-

“316.Licensing or leasing of Immovable Properties.-

(1) The Municipal Council may grant licence or lease to any person for use and occupation of any land or building belonging to the municipality for a period of three years.

(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.”

10.The District collector, Madurai, is therefore directed to look into this issue and conduct an enquiry. If the allegations levelled by the petitioner is found to be true, the District Collector shall take action as against the concerned Executive Officer. The District Collector shall also



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ensure that the auction is conducted for the shops within a reasonable time allowing all parties to participate in the public auction.

11. With the above direction, this Writ Petition is disposed of.

No costs. Consequently, connected miscellaneous petitions are closed.

25.03.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
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To

1. The Special Officer,
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T.Kallupatti, Madurai District.
2. The Executive Officer,
T.Kallupatti Town Panchayat,
T.Kallupatti, Madurai District.
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B.PUGALENDHI, J.

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