



W.P(MD)No.11594 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 03.01.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.11594 of 2020

and

W.M.P(MD)No.10099 of 2020

S.Muthukrishnan

... Petitioner

Vs.

1.The President,
Panikondanviduthi Village Panchayat,
Panikondanviduthi Village,
Thiruvonam (Post),
Orathanadu Taluk,
Thanjavur District.

2.The Block Development Officer
(Village Panchayat),
Thiruvonam,
Thanjavur District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the impugned order dated 26.08.2020 passed by the first respondent and quash the same as illegal.



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For Petitioner : Mr.R.Ramadurai
For Respondents : Mr.M.Lingadurai
Special Government Pleader

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Special Government Pleader appearing for the respondents.

2.The president of the local body has issued the impugned notice dated 26.08.2020 calling upon the petitioner to vacate the petition mentioned shop. It is not in dispute that the complex belongs to the local body. The petitioner has been occupying the same since 2009. The petitioner is said to be paying the monthly rent without any default.

3.The local body does not want the possession back for the purpose of demolition and reconstruction. It only wants to conduct fresh public auction.



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4.Since the petitioner is in occupation of the same for quite a long period, I am of the view that vacating the petitioner before holding the auction is not required. The petitioner through his counsel states that he will not object to the local body holding a fresh public auction and that he is also willing to participate therein. If the petitioner turns out to be the highest bidder, he can very well continue to be in occupation. If the petitioner is not successful in the bid, the petitioner will have to vacate and hand over possession of the shop to the local body within 15 days thereafter. The question of local body issuing any fresh notice does not arise at all. I make it clear that direction issued in this writ petition will not tie the hands of the local body from initiating action as per law.

5.With this direction to the first respondent, this writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

03.01.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA



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G.R.SWAMINATHAN, J.

MGA

To

- 1.The President,
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