



W.P(MD)No.14833 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.01.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.14833 of 2020

and

W.M.P.(MD)No.12497 of 2020

and

W.M.P.(MD)No.11240 of 2021

1.Kannan

2.Ayyathurai

3.Selvam

4.Raja Muppidathimuthu

5.Selvan

6.Mutharasan

7.Pushpam

8.Uthaman

9.Arockiaraj

10.Ponpandi

... Petitioners

Vs.

1.The District Collector,
Tenkasi District,
Tenkasi.

2.The Block Development Officer,
Kulasekarapatti Panchayat,
Kulasekarapatti Village,
Tenkasi District.



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3.The Secretary,
Kulasekarapatti Panchayat,
Kulasekarapatti Village,
Tenkasi District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned Notice in A3/444/2017 dated 25.09.2020 on the file of the 2nd Respondent and quash the same and further directing the 2nd and 3rd Respondents to extend the lease period of the Petitioners to run their respective shops bearing shops numbers 2, 3, 6, 7, 13, 14, 15, 16, 24, 25, 26, 28, 29 and 30 situated in Bus Stand Building, Kulasekarapatti Village, Tenkasi District by considering their Representation dated 30.09.2020.

For Petitioners : Mr.K.Jeyamohan

For Respondents : Mr.M.Lingadurai,
Spl. Government Pleader for R1 & R2.

ORDER

Heard both sides.

2.The petitioners are occupants of shops belonging to the local body.

The question that arises for consideration is whether such occupants are entitled



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to renewal of lease. As rightly pointed out by the learned Special Government Pleader, the petitioners cannot demand renewal as a matter of right beyond a certain period. Reliance is placed on Rules 4 and 23 of the Tamil Nadu Panchayats (Procedure for Conducting Public Auction of Leases and Sales in Panchayats) Rules, 2001.

3.The learned counsel for the petitioners states that during the pendency of the writ petition, while the petitioners 5 and 6 have been left out, the other petitioners have been granted allotment of shops. If a fresh transaction had been entered into between the petitioners on the one hand and the local body on the other, it is not for the Writ Court to interfere. It is always open to the respondents 2 and 3 to bring the shops to public auction after the expiry of the current period.

4.Recording the subsequent development, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

04.01.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias



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G.R.SWAMINATHAN, J.

ias

To:-

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Tenkasi District,
Tenkasi.
- 2.The Block Development Officer,
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