



W.P.(MD)No.16888 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 05.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.16888 of 2024

S.Perumal

... Petitioner

Vs

1. The District Collector,
Madurai District,
Madurai.
2. The Commissioner,
Usilampatti Panchayath Union Office,
Usilampatti, Madurai District.
3. The Project Director,
District Panchayath Development,
Madurai.
4. The Assistant Director of Panchayath,
Madurai Collectorate Campus,
Madurai.
5. The Block Development Officer,
Usilampatti Panchayath Union Office,
Usilampatti, Madurai District.
6. The Union Chairman,
Usilampatti Panchayath Union Office,
Usilampatti, Madurai District.

... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 2nd respondent to renew the petitioner's license by extending the period of license to collect charges for the agricultural produces and collect rent for the shops in the Daily Market comes under the control of Usalampatti Panchayath Union by considering the petitioner's representation, dated 08.12.2022.

For Petitioner : Mr.F.Deepan

For Respondents : Mr.D.Sadiq Raja (R1-R4,6)
Additional Govt. Pleader

Mr.M.Sarangan (R5)
Additional Govt. Pleader

ORDER

This Writ Petition has been filed seeking direction to the 2nd respondent to renew the petitioner's license by extending the period of license to collect charges for the agricultural produces and collect rent for the shops in the Daily Market under the control of Usalampatti Panchayath Union by considering the petitioner's representation, dated 08.12.2022.

2. The petitioner was granted license by the 2nd respondent through proceedings in Na.Ka.No.443/07/A7, dated 31.05.2007 to collect the rent from the 108 shops and charges for the agricultural produces in the Daily Market, Usilampatti Panchayat. The period of lease is from 01.06.2007 to 31.03.2008.



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The petitioner's license was renewed for a further period of two years from 01.04.2008 to 31.03.2010 and again, the same was renewed by the second respondent in Na.Ka.No.1093/2011/A5, dated 01.06.2011 and the further period was extended from 01.06.2011 to 31.03.2014. The petitioner has also paid the increased amount and the 5th respondent has orally extended the license periodically from the year 2014 to 2021.

3.According to the petitioner, he has paid the entire lease amount. Hence, seeks a direction once again to renew the license by considering his representation, dated 08.12.2022.

4.At the outset, this Court is of the considered view that the renewal of license or removal of license cannot be made mechanic. The petitioner been shown with undue importance by the Authorities for granting extension without following any proper procedure.

5.In fact, in the affidavit itself it is stated that lease period has been orally extended for the period from the year 2014 to 2021, which is totally in violation of the rules as per the Tamil Nadu Urban Local Bodies Act, 2022. Rule



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316 makes it very clear that after the completion of the lease period, no extension or removal of license shall be permitted and any application for the same shall be considered afresh in accordance with the Acts and Rules. It is the duty of the Authorities to take action to conduct the public auction. So that anyone can participate in the auction. As a matter of right, there cannot be any direction. It is brought to the notice of the Court that the petitioner has not even paid the lease amount. In this regard, the 2nd respondent has also issued a show-cause notice against the petitioner.

6.In view of the aforesaid reasons, this writ petition stands dismissed.

There shall be no order as to costs.

05.08.2024

NCC : Yes/No
Index : Yes/No
PNM



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N.SATHISH KUMAR, J.

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