



W.P.(MD).No.26370 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.26370 of 2024
and WMP(MD) No.22339 of 2024

M.Ramar Selvam

... Petitioner

Vs

1. The District Collector,
Tenkasi District.

2. The Block Development Officer,
Keezhapavoor Panchayat Union,
Keezhapavoor, Tenkasi District.

3. The President,
Kulasekarapatti Village Panchayat,
Keezhapavoor Panchayat Union,
Tenkasi District.

4. Mayadevi

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 and 2 to take appropriate action to cancel illegal allotment of lands in S.Nos. 348/1A, 348/1B, Kulasekarapatti Village, Tenkasi Taluk, Tenkasi District in favour of the 4th respondent within time to be framed by this Court.



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For Petitioner : Mr. S.Kumar

For Respondents : Mr.D.S.Neduncheliyan (R1)
Government Advocate

Mr.M.Siddharthan (R2,R3)
Additional Government Pleader

Mr.S.Ramanathan (R4)

ORDER

The present writ petition has been filed seeking a direction to the respondents 1 and 2 to take appropriate action to cancel illegal allotment of lands in S.Nos. 348/1A, 348/1B, Kulasekarapatti Village, Tenkasi Taluk, Tenkasi District in favour of the 4th respondent within time to be framed by this Court.

2.Heard, the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the first respondent, the learned Additional Government Pleader appearing for the second and third respondents and the learned counsel appearing for the fourth respondent. Perused the materials available on record.



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3.Rule 14 of the Tamil Nadu Panchayats (Procedure for Conducting Public Auction of Leases and Sales in the Panchayats) Rules, 2001 (hereinafter referred to as 'the Rules, 2001') mandates as follows:

“14. Issue of auction notice –

(1) The notice of auction of lease or sale may be issued not less than ten days and not more than twenty one days prior to the date of auction or sale. The Panchayat shall approve the terms and conditions and for each kind or type of lease, before they are included in the auction notice. If new conditions or terms are to be included or existing conditions or terms to be amended, the prior approval of the Panchayat shall be necessary. The notice may contain, inter alia terms and conditions on the following matters, subject to which the lease shall be granted:-

(i) place of auction or sale, date and time of auction;

(ii) period of lease;

(iii) details of property to be sold or rights to be auctioned. In the case of avenue trees, the details of reach of the road and in other cases, the location of the property may be specified clearly;

(iv) security deposit payable for each item;

(v) number of instalments of lease amount permitted for each item;



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(vi) initial amount payable at the time of auction or sale by the successful bidder;

(vii) details of solvency certificate to be produced where it is considered necessary;

(viii) prohibition of defaulters in the payment of past leases from participating in the auction or sale;

(ix) confirmation of auction or sale being subject to the approval of the Panchayat;

(x) rate of interest chargeable for belated payment of instalment;

(xi) need for and mode of execution of lease or sale deed;

(xii) details of payment of assessment, ground-rent, peshkabs or quit - rent fixed by the Inspector, from time to time, which will be in addition to the lease amount;

(xiii) schedule of payment of the lease or sale amount;

(xiv) in case where the rent of own lands, Poramboke lands and own building of the panchayats, proposed to be leased out, the rent, lease amount, may be reckoned in terms of monthly rent for the entire lease period. This information may be specified in the auction notice also for the information of the intending bidders; and

(xv) power of the administration, to reserve any right either to postpone the sale or auction of any lease



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and also to cancel any lease in public interest with or without showing any reasons therefore, in the middle of the lease period for which the lessee has no right to claim any compensation.”

4.Rule 15 of the Rules, 2001 with respect to publication of auction notice in Sub-Clause (ii) mandates that auction notice shall be caused to be published in the Gazette at least 7 days in advance, if the lease amount not to exceed Rs.10,000/- and as far as the advertisement is concerned, the same should be effected at least 3 days ahead of the auction.

5.In the instant case, notice of auction was displayed in the notice board of the Panchayat concerned on 01.03.2024, paper publication was published on 08.03.2024 for the auction, which was conducted on 11.03.2024.

6.However, the learned counsel for the petitioner contended that he was totally kept under dark as to the conduct of aforesaid auction. The notice of auction was not displayed in the Panchayat office as contended by the 4th respondent. That apart, notice was not displayed in other places as mandated in Rule 15(iii), (iv) and beat of Tom-Tom was not effected. In view of the same,



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the entire exercise of the auction procedure was bad in the eye of law precisely for not following the rules under Sections 14 and 15 of the Rules and pressed for allowing the writ petition.

7.The learned counsel for the 4th respondent based on the oral instructions received from the concerned Panchayat Secretary fairly conceded that the tender notice was not published in the Gazette.

8.This Court has dealt with a similar case in W.P(MD) No.2756 of 2022 and by order, dated 10.02.2022 had observed that public auction of lease and sale in Panchayat cannot be conducted violating the Rules contemplated in the aforesaid Rules, 2001.

9.Since this Court is not convinced by the lapses committed on the part of the respondent in conducting auction for the aforesaid lease, this Court hereby direct the respondents 1 and 2 to take appropriate action in accordance with law within a period of four weeks from the date of receipt of copy of the order, after providing an opportunity to the petitioner as well as the 4th respondent.



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10. With the above direction, this writ petition stands disposed of.

No costs. Consequently, connected miscellaneous petition is closed.

22.11.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

PNM

To

1. The District Collector,
Tenkasi District.

2. The Block Development Officer,
Keezhapavoor Panchayat Union,
Keezhapavoor, Tenkasi District.

3. The President,
Kulasekarapatti Village Panchayat,
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L.VICTORIA GOWRI, J.

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