



WP(MD)Nos.14555 of 2017, etc.,

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 10.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

**WP (MD) Nos.14555, 14556, 14573, 14629,
14634, 14895 of 2017
and
WMP (MD) Nos.11383,11384,11419,11420,
11467,11474, 11735 of 2017, 15609,
15610, 15623, 15637,
15638 and 15639 of 2018**

Duraisamy Panian

... Petitioner

Vs

1.The District Collector,
Virudhunagar District.

2.The Commissioner,
Block Development Officer,
Narikudi Panchayat Union,
Narikudi, Virudhunagar.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus calling for the records pertaining to the impugned order in Na.Ka.A4/2362/2014 dated 25.07.2017 issued by the 2nd respondent and quash the same and consequently direct the respondents to continue the petitioner as a tenant and to do his business in Shop.No.4, situated at Narikudi Chathiram, Narikudi Panchayat, Virudhunagar District as usual.



WP(MD)Nos.14555 of 2017, etc.,

For Petitioner : Ms.A.S.Rajeswari

For Respondents : Mr.A.Baskaran,

Additional Government Pleader

ORDER

The petitioners are the tenants of the 2nd respondent Panchayat. They were allotted with the shops in an auction on 06.10.1998 for a period of three years. Earlier one Senthil Murugan in respect of allotment of a shop, had filed a writ petition before this Court in WP(MD)No.21844 of 2016, wherein this Court directed the 2nd respondent Commissioner to conduct public auction in respect of the said shop. Subsequently the respondents by the impugned order directed all the writ petitioners to evict their shops in order to conduct public auction. Challenging the same these writ petitions have been filed. This Court has entertained these writ petitions and also granted an order of interim stay of the impugned order.



WP(MD)Nos.14555 of 2017, etc.,

2.The learned Counsel for the petitioners submits that the petitioners have been paying rent regularly. This Court in the earlier writ petition directed the respondents to conduct public auction only for the particular shop and there was no order in respect of the petitioners' shops. Therefore, the respondents ought to conduct only auction for the particular shop and not for all the shops.

3.The learned Counsel appearing for the 2nd respondent Commissioner submits that there are arrears of rent on the part of the petitioners, however, taking advantage of the pendency of these writ petitions, they continue to occupy the shops. As per the The Tamil Nadu Panchayats (Procedure for Conducting Public Auction of Leases and Sales in Panchayats) Rules, 2001, the shops shall be leased out only by conducting public auction and the lease shall be only for a period of three years and it can be extended for another three years.



WP(MD)Nos.14555 of 2017, etc.,

4. Recording the above submission, these writ petitions are disposed of with liberty to the respondents to conduct fresh auction for the shops and the petitioners are also liberty to participate in the auction, if they are not having any arrears of rent. No costs. Consequently connected miscellaneous petitions are closed.

10.01.2024

Internet : Yes / No

DSK

To

1. The District Collector,
Virudhunagar District.
2. The Commissioner,
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Narikudi Panchayat Union,
Narikudi, Virudhunagar.



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B. PUGALENDHI , J .

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