



W.P.(MD) Nos.21137 and 21138 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD) Nos.21137 and 21138 of 2017

and

W.M.P(MD)Nos.17399 and 17400 of 2017

K.Ramesh ... Petitioner in W.P.(MD) No.21137 of 2017

S.Meganathan ... Petitioner in W.P.(MD) No.21138 of 2017

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Assistant Director (Village Panchayats),
Madurai District,
Madurai.

3.The Special Officer / The Block Development Officer
(Village Panchayat),
Kottampatti Village Panchayat,
Kottampatti Panchayat Union,
Madurai District. ... Respondents in both writ petitions



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COMMON PRAYER: Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus, to call for the impugned notice under Na.Ka.No.1/2017/Ko-1 dated 26.09.2017, on the file of the third respondent pertaining to directing the petitioner to hand over the Shop Nos.16 and 17 to the third respondent and to quash the same as illegal and consequentially direct the respondents to extend the period of lease by formulating a committee for fixation of fair rent as per Clause 3 of G.O.Ms.No.92, Municipal Administration and Water Supply Department.

For Petitioners : Mr.K.Mahendran
For R1 and R2 : Mr.R.Suresh Kumar
Additional Government Pleader
For R3 : Mr.T.S.Mohammed Mohideen

(in both writ petitions)

COMMON ORDER

These Writ Petitions are filed in the nature of Writ of Certiorarified Mandamus, to call for the impugned notice under Na.Ka.No.1/2017/Ko-1 dated 26.09.2017, on the file of the third respondent, directing the petitioner to hand over the Shop Nos.16 and 17 to the third respondent



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and to quash the same as illegal and consequentially direct the respondents to extend the period of lease by formulating a Committee for fixation of fair rent as per Clause 3 of G.O.(Ms).No.92, Municipal Administration and Water Supply Department dated 03.07.2007.

2. The final notices issued by the Block Development Officer, Kottampatti on 26.09.2017 were challenged in these writ petitions. These petitioners claimed to be the licensees of shops of the Kottampatti Bus Stand Complex. They have been directed to vacate the shops pursuant to the orders of this Court in W.P.(MD)No.12179 of 2016 dated 03.08.2017. The Block Development Officer has issued notices on 01.09.2017 and on 20.09.2017 and thereafter, issued the final notice on 26.09.2017.

3. When these writ petitions are taken up for hearing, learned counsel for the petitioners submits that they are not having any instructions. Learned counsel appearing for the Panchayat is also not having any instructions.



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4. This Court perused the documents. The respondent Panchayat has issued the notice pursuant to the order of this Court in W.P(MD)No. 12179 of 2016 dated 03.08.2017. The case of the petitioners is that they are entitled for exemption of lease as per the G.O.(Ms)No.92, Municipal Administration and Water Supply Department, dated 03.07.2007. The respondents claimed that as per the G.O.No.277 Rural Development (C. 4) Department dated 21.11.2001, the Panchayat can renew the lease of the property only for a period of three years to the existing lease and shall not renew for the second time, even if the lessee is willing to pay higher rent. G.O.(Ms)No.92, Municipal Administration and Water Supply Department, dated 03.07.2007, is relating to the shops maintained by the Municipalities and that will not cover the shops maintained by the Village Panchayats. The said Government Order has also been now repealed by the Urban Local Bodies Act.

5. The petitioners / lessees who have obtained lease on licence conditions for a period of three years, cannot claim extension of lease, as



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a mater of right. It is also reported in paragraph No.7 of their counter affidavit that the petitioners have already vacated the shops and handed over the same to the third respondent on 05.10.2017 itself and at present, the shops are not under the possession and enjoyment of these petitioners.

6. In view of the same, nothing survives for adjudication in these writ petitions. Therefore, these writ petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

05.01.2024

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

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B.PUGALENDHI, J.

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To

- 1.The District Collector, Madurai District, Madurai.
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Madurai District, Madurai.
- 3.The Special Officer / The Block Development Officer
(Village Panchayat), Kottampatti Village Panchayat,
Kottampatti Panchayat Union, Madurai District.

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