



W.A.(MD) No.95 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.01.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S.RAMESH
AND
THE HONOURABLE DR. JUSTICE A.D.MARIA CLETE

W.A.(MD) No.95 of 2025
and C.M.P.(MD) Nos.621 to 623 of 2025

Abdul Wahab

... Appellant

Vs.

The Executive Officer,
Muthukulathur Town Panchayat,
Ramanathapuram District.

... Respondent

Prayer: Writ Appeal filed under Clause 15 of Letters Patent Act, praying to set aside the impugned order passed by the Hon'ble Court in W.P. (MD).No.30719 of 2024 dated 18.12.2024 and allow the Writ Appeal.

For Appellant : Dr.R.Alagumani

For Respondent : Mr.N.Dilip Kumar,
Standing Counsel

JUDGMENT

(Order of the Court was made by M.S.RAMESH, J.)



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The petitioner herein, who is a lessee in Muthukulathur bus stand, had challenged an auction notification dated 05.12.2024, as well as the consequential notice calling upon him to vacate the premises in W.P. (MD).No.30719 of 2024. The learned Single Judge had passed final order in the Writ Petition on 18.12.2024, by granting liberty to the petitioner to participate in the tender process and if he is unsuccessful, to vacate the premises and handover the same to the respondent. This order is under challenge in the present Writ Appeal.

2. The learned Single Judge had gone into the petitioner's locus to challenge the auction notification, by referring to Section 78 of the Tamil Nadu Urban Local Bodies Act, 1988, which prohibits the continuation of a lease or license beyond a period of 3 years. Since the petitioner had been in occupation of the leasehold premises for over and above 3 years, the Writ Court had refused to interfere with the auction notification. Though the Writ Court could have also upheld the consequential impugned eviction notice, a lenient view was taken by granting liberty to the appellant, to participate in the auction process and if found



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unsuccessful, had directed him to vacate the premises and handover the same to the respondent.

3. When there is a statutory prohibition for continuance of the leasehold property beyond a period of 3 years, we fail to understand as to how the appellant herein would have any locus to challenge the same on the ground that the respondent had not fixed the fair rent properly. As such, there are no merits in this appeal.

4. Accordingly, the Writ Appeal stands dismissed. No costs. Connected miscellaneous petitions are closed.

[M.S.R., J] [A.D.M.C., J]
22.01.2025

Index:Yes/No

Neutral Citation:Yes/No

Speaking order/Non-speaking order

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M.S.RAMESH, J.
and
A.D.MARIA CLETE, J.

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To

The Executive Officer,
Muthukulathur Town Panchayat,
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