
(2011) 03 MAD CK 0374

In the Madras High Court

Case No : Writ Petition No. 8160 of 2011 and M.P. No. 1 of 2011

K. Allimuthu

APPELLANT

Vs

The Commissioner, The District Collector and Assistant
Director of Panchayats, Rural Development

RESPONDENT

Date of Decision : 31-03-2011

Acts Referred:

Tamil Nadu Panchayats (Procedure for Conducting Public Auction of Leases and Sales in Panchayats) Rules, 2001 — Rule 23

Citation : (2011) 03 MAD CK 0374

Hon'ble Judges : R. Sudhakar, J

Bench : Single Bench

Advocate : V. Raghavachari, for the Appellant; S. Shivashanmugam, Government Advocate, for the Respondent

Final Decision : Dismissed

Judgement

R. Sudhakar, J.—Writ Petition is filed praying to issue a Writ of Certiorarified Mandamus, to call for records on the file of the first

Respondent in proceedings No. ROC.10/2009/A3 dated 22.3.2011 and to quash the same as illegal, incompetent, irregular and without

jurisdiction and to further direct the first Respondent to extend the lease in terms of Rule 23 of the Tamil Nadu Panchayats (Procedure for

Conducting Public Auction of Leases and Sales in Panchayats) Rules 2001.

2. Mr. S. Shivashanmugam, learned Government Advocate, takes notice on behalf of the Respondents. By consent of both parties, the writ

petition is taken up for disposal.

3. Petitioner challenges the urgent Memorandum issued by the first Respondent, the Commissioner, Panchayat Union, Yercaud who has

communicated the impugned urgent Memorandum to the Petitioner on 22.3.2011 stating that collecting toll for vehicle entering into Salem-Yercaud

Road expires on 31.3.2011 by midnight and the Petitioner should hand over the place to the first Respondent. Challenging the same, the present writ petition has been filed.

4. Mr. V. Raghavachari, learned Counsel appearing for the Petitioner primarily contended that though by proceeding dated 8.9.2010 the right to collect toll has been given for the period 9.9.2010 to 31.3.2011, the Petitioner is entitled to extension of licence and the first Respondent has granted extension in respect of other shops. The Petitioner has made a representation and that has not been considered so far.

5. Mr. S. Shivashanmugam, learned Government Advocate appearing for the Respondents pointed out that the auction conducted for granting a right to collect toll is specifically for the period from 9.9.2010 to 31.3.2011 and the order dated 8.9.2010 in Na. Ka. No. 192/2010/m7 dated 8.9.2010 is a self contained. It does not provide for extension of the period. Hence, no relief can be granted as prayed.

6. In view of the above proceedings dated 8.9.2010 in which the period has been specified and since it does not provide for extension of licence, Petitioner cannot seek extension as a matter of right, as he is bound by the terms agreed upon. Further, the said proceedings dated 8.9.2010 clearly indicates that on and from 1.4.2011, the Respondents authorities will conduct fresh auction or proceed to collect toll by themselves as was done during the period 1.4.2010 to 12.8.2010. It is clear that the Petitioner cannot seek for extension of licence as a matter of right. The contention of the learned Government Advocate appears to be justified on a clear reading of the above proceedings.

7. The further plea of the learned Counsel for the Petitioner that great loss has been caused to the Petitioner in view of the short tenure placing reliance upon the toll collection records, cannot be considered by this Court.

8. If the Petitioner is able to make out a case for extension of licence or for any other relief, he may approach the competent authority for appropriate relief as per law. A representation as and when made along with a copy of this order shall be considered on its own merits and in accordance with law within a period of two weeks thereafter.

9. The Writ Petition is disposed of as above. No costs. Consequently, connected miscellaneous petition is closed.