

In the High Court of Judicature at Madras

Dated :: 27.04.2016

Coram ::

The Hon'ble Mr. Justice T.S. Sivagnanam

Writ Petition Nos: 15878 to 15882 of 2016

N. Sakthivel	...	Petitioner in WP.15878 of 2016
K.Rajammal	...	Petitioner in WP.15879 of 2016
S.Sathiyavani	...	Petitioner in WP.15880 of 2016
K.Jayakumar	...	Petitioner in WP.15881 of 2016
G.Prabu	...	Petitioner in WP.15882 of 2016

-vs-

The Executive Officer
Selection Grade Town Panchayat
Palacode - 636 808
Dharmapuri District. ... Respondent in all the Petitions.

Writ Petition under Article 226 of the Constitution of India
praying for issuance of a writ of certiorari to call for the
records in Na. Ka. No: 560/2014/A1 dated 28.01.2016 on the
file of the respondent and quash the same.

For petitioner :: M/s. Lesi Saravanan

For respondent :: Mr. R.M. Muthukumar
Government Advocate

C O M M O N O R D E R

All these petitioners were granted permission to put up their shop in an open area in a market under the control of the respondent Selection Grade Town Panchayat. It appears that a writ petition was filed before this Court by the Traders Association in W.P. No: 10907 of 2015 for directing the respondent Town Panchayat to conduct a tender-cum-auction after following the due process of law. The allegations made in the said writ petition was that open shops have been allotted to various third parties without following a transparent procedure. The Court, by an order dated 16.04.2015, disposed of the said writ petition by directing the respondent Town Panchayat to consider the representation given by the petitioner therein on merits and pass appropriate orders by putting on notice the concerned persons. As a sequel to the said order the persent

impugned orders are issued to the petitioners stating that the license granted to them stands cancelled. In the impugned orders a reference has been made to the order dated 16.04.2015 in W.P. No: 10907 of 2015.

2. On a perusal of the impugned orders it is clear that the respondent has misconstrued and had read the order passed by this Court in the earlier writ petition wrongly. The only direction issued by this Court in the earlier writ petition was to consider the representation of the association after notice to all concerned. There was no positive direction issued by the Court to cancel the license / lease issued in favour of the petitioners.

3. Learned Government Advocate appearing for the respondent, on instructions, submitted that as on date there is no threat of eviction of the petitioners from the area in question. However, the respondents, having cancelled the allotment made in favour of the petitioners, may be required to take further action to give effect to these impugned orders. As pointed out earlier, the impugned orders have been passed on a misconception and misreading of the direction issued by this Court.

4. Hence, on this sole ground, the impugned orders are liable to be set aside. These writ petitions are allowed and the impugned orders are quashed. The matter is remitted to the respondent for fresh consideration. The respondent shall issue notice to the petitioners and thereafter proceed in accordance with law. Connected miscellaneous petition are closed. There shall be no orders as to the costs.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

The Executive Officer
Selection Grade Town Panchayat
Palacode - 636 808
Dharmapuri District.

+ 5 ccs to M/s.Lesi Saravanan, Advocate SR 26882, 26881, 26880, 26879, 26878[14/6]

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