

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.Nos.8390 to 8393 of 2013

& connected miscellaneous petitions

C.Aasaithambi .. Petitioner in W.P.No.8390/13
T.Selvara .. Petitioner in W.P.No.8391/13
C.Varadharajan .. Petitioner in W.P.No.8392/13
Rabeeyabee .. Petitioner in W.P.No.8393/13

Vs.

1. The District Collector,
Villupuram District.
2. The Commissioner,
Kallakurichi Panchayat Union,
Kallakurichi. .. Respondents in all the W.Ps.

Prayer : Petitions filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus directing the second respondent to give preference to the petitioners in the allotment of shops in the commercial complex, Durgam Road, Kallakurichi after its re-construction by renewing the lease of the petitioners for a further period of three years in the shop Nos.1 and 33 (Front side), 25 (Front side), 26,27 (Front side), 28, 29(Front Side) 30 and 31 (Front side) respectively.

For Petitioners .. Mr.P.Rajavel

For Respondent-1 .. Mr.R.Rajeswaran, SPL.
Government Pleader

For Respondent- 2.. Mr.Era. Premnath

COMMON ORDER

Heard Mr.P.Rajavel, learned counsel for the petitioner and Mr.R.Rajeswaran, learned Special Government Pleader accepting notice for the first respondent and Mr.Era.Premnath, learned counsel for the second respondent and with their consent, the

writ petition is taken up for final disposal at the admission stage itself.

2.The petitioners have filed these writ petitions for a direction to the second respondent/Panchayat Union to allot the shops in the commercial complex in Durgam Road, Kallakurichi, after its re-construction by renewing the lease granted to the petitioners for a further period of three years. According to the petitioners, similarly placed persons had filed several writ petitions before this Court, seeking to quash the proceedings of the second respondent dated 01.09.2008 and for a direction to re-allot the shops, which came to be dismissed and as against which, Writ Appeal No.1175 of 2011 was preferred and the Honourable Division Bench by a judgment dated 25.11.2013 disposed of the Writ Appeal by issuing the following directions:

13. In such view of the matter, we are of the view that this writ appeal can be disposed of, with a direction to the respondents to commence and complete the construction of the shopping complex/ building, within a period of one year from the date of receipt of a copy of this order and on completion of the construction of the building, the respondents are permitted to conduct public auction of the said shops to be constructed and the appellants are willing to pay the highest bid amount in respect of the shops, which they are intending to take on lease, the same shall be given to the appellants on priority basis. This order we have passed not only on the ground of obligatory duty of the respondents, as pointed out by the Honourable Supreme Court, but also on the ground that the Municipality has passed a Resolution recognising their right and also allotted temporarily alternative place on 15.2.2009. Accordingly, the writ appeal is disposed of

3. Learned counsel for the petitioners submitted that though the construction of the shops is over till date allotments have not been made.

4. These writ petitions were filed in the year 2013. It is not known as to what has transpired in between. If the petitioners are still in possession of the old shops and no auction has been conducted so far, the petitioners are entitled to the benefit of the order of the Division Bench. With the above observation, these writ petitions are disposed of. No

costs. Consequently, connected miscellaneous petitions are closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To,

1. The District Collector,
Villupuram District.

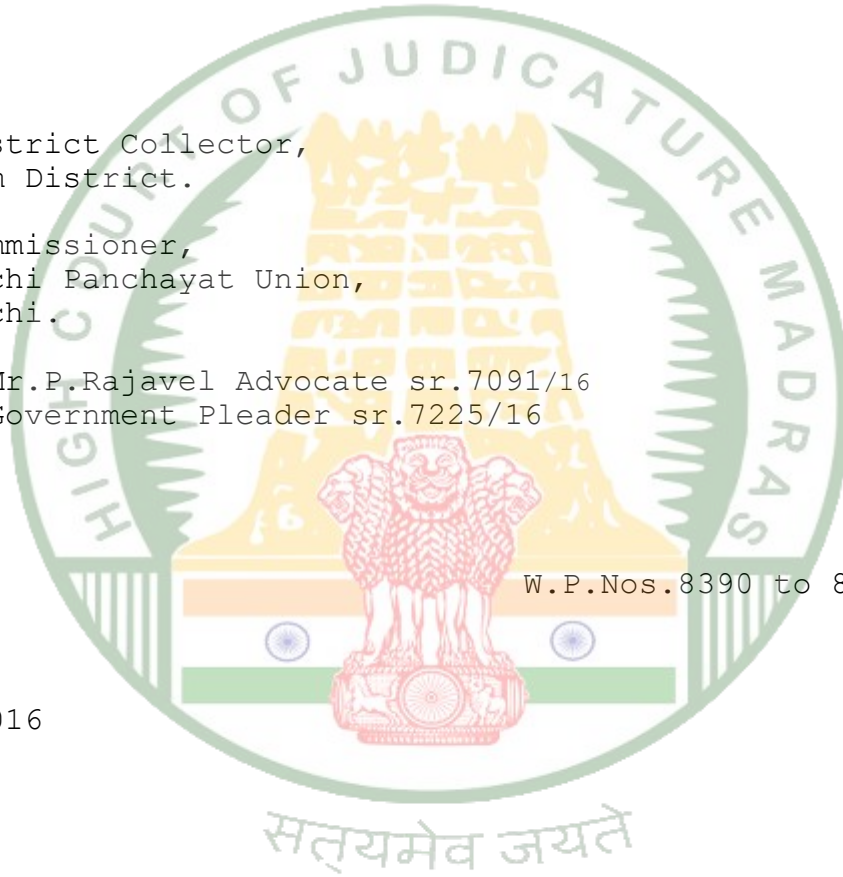
2. The Commissioner,
Kallakurichi Panchayat Union,
Kallakurichi.

+5 cc to Mr.P.Rajavel Advocate sr.7091/16

+1 cc to Government Pleader sr.7225/16

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