



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 04.08.2017

Pronounced on : 31.08.2017

WEB COPY

CORAM :

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4419, 4796, 4826, 4827, 4830, 4831, 4855, 4858, 4860,
4861, 4869, 4872, 4874, 4879, 4890, 4894 of 2017 & 2052, 2332 of
2014 and 11379, 12621, 12790, 11998 of 2017
and
all the connected miscellaneous petitions

RAMACHANDRAN	... Petitioner in WP(MD). 4419/ 2017
N.KARTHKEYAN	... Petitioner in WP(MD). 4796/ 2017
P.PANNEERSELVAM	... Petitioner in WP(MD). 4826/ 2017
V.NATARAJAN	... Petitioner in WP(MD). 4827/ 2017
S.JOHN KENNADI	... Petitioner in WP(MD). 4830/ 2017
S.NAGARATHINAM	... Petitioner in WP(MD). 4831/ 2017
S.GOVINDARAJ	... Petitioner in WP(MD). 4855/ 2017
S.JOSEPH	... Petitioner in WP(MD). 4858/ 2017
R.VENKADACHALAPATHI	... Petitioner in WP(MD). 4860/ 2017
S.MEENAKSHI SUNDARAM	... Petitioner in WP(MD). 4861/ 2017
C.KARUPPAIAH	... Petitioner in WP(MD). 4869/ 2017
S.THANGARAJ	... Petitioner in WP(MD). 4872/ 2017
A.S.ALBERT AROKIADASS	... Petitioner in WP(MD). 4874/ 2017
M.JUSTIN THIRAVIAM	... Petitioner in WP(MD). 4879/ 2017
S.SANGILI CHETTIAR	... Petitioner in WP(MD). 4890/ 2017
S.AMALRAJ	... Petitioner in WP(MD). 4894/ 2017
P.KARIKALAPANDIYAN	... Petitioner in WP(MD)No.2052/2014
U. NEDUMARAN	... Petitioner in WP(MD). 2332/ 2014
SHANMUGAVEL	... Petitioner in WP(MD). 11379/ 2017
A.V.MANOHRAN	... Petitioner in WP(MD). 12621/ 2017
JEYAPANDI	... Petitioner in WP(MD). 12790/ 2017
M.VELTAICHAMY	... Petitioner in WP(MD). 11998/ 2017



1. THE DIRECTOR OF TOWN PANCHAYATS,
"KURALAGAM",
CHENNAI - 600 108.

2. THE DISTRICT COLLECTOR,
DINDIGUL DISTRICT,
DINDIGUL.

3. THE ASSISTANT DIRECTOR OF TOWN PANCHAYATS,
DINDIGUL DISTRICT, VELU NACHIAR CAMPUS,
DINDIGUL.

4. THE EXECUTIVE OFFICER,
NILAKKOTTAI TOWN PANCHAYAT,
NILAKKOTTAI,
DINDIGUL DISTRICT.

5. FLOWER COMMISSION AGENTS WELFARE ASSOCIATION,
REP. BY ITS PRESIDENT M. ARULSAMY
(R5 IMPEADED AS PER ORDER DATED 04.08.2017
MADE IN WMP. (MD) NO. 4631 OF 2017

6. M. NATCHIMUTHU

7. A. V. PRABHAHAR

8. R. MURUGAN

9. M. MARIA SELVARAJ

10. M. SUMITHRA DEVI

(R6 TO 10 IMPEADED AS PER ORDER DATED
04.08.2017 MADE IN WMP. (MD) NO. 4631 OF 2017)

... RESPONDENTS IN WP (MD) NO. 4419 / 2017

1 THE DIRECTOR OF TOWN PANCHAYAT, KURALAGAM, CHENNAI.

2 THE DEPUTY DIRECTOR OF TOWN AND COUNTRY PLANNING,
MADURAI REGION, MADURAI.

3 THE DISTRICT COLLECTOR DINDIGUL DISTRICT, DINDIGUL.

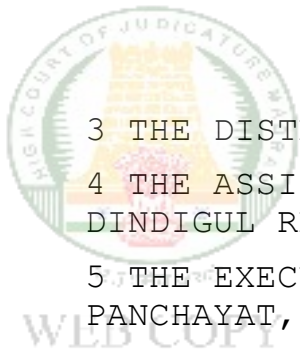
4 THE ASSISTANT DIRECTOR OF TOWN PANCHAYAT, VELU NACHIAR CAMPUS,
DINDIGUL REGION, DINDIGUL.

5 THE EXECUTIVE OFFICER, NILAKKOTTAI SELECTION GRADE TOWN
PANCHAYAT, NILAKKOTTAI, DINDIGUL DISTRICT.

... Respondents in WP (MD). 4796/ 2017

1 THE DIRECTOR OF TOWN PANCHAYAT KURALAGAM, CHENNAI.

2 THE DEPUTY DIRECTOR OF TOWN AND COUNTRY PLANNING, MADURAI
REGION, MADURAI.



3 THE DISTRICT COLLECTOR, DINDIGUL DISTRICT, DINDIGUL.

4 THE ASSISTANT DIRECTOR OF TOWN PANCHAYAT, VELU NACHIAR CAMPUS, DINDIGUL REGION, DINDIGUL.

5 THE EXECUTIVE OFFICER, NILAKKOTTAI SELECTION GRADE TOWN PANCHAYAT, NILAKKOTTAI, DINDIGUL DISTRICT.

... Respondents in WP(MD). 4826/ 2017

1 THE DIRECTOR OF TOWN PANCHAYAT KURALAGAM, CHENNAI

2 THE DEPUTY DIRECTOR OF TOWN AND COUNTRY PLANNING, MADURAI REGION, MADURAI

3 THE DISTRICT COLLECTOR DINDIGUL DISTRICT, DINDIGUL

4 THE ASSISTANT DIRECTOR OF TOWN PANCHAYAT, VELU NACHIAR CAMPUS, DINDIGUL REGION, DINDIGUL

5 THE EXECUTIVE OFFICER NILAKKOTTAI SELECTION GRADE TOWN PANCHAYAT, NILAKKOTTAI, DINDIGUL DIST

... Respondents in WP(MD). 4827/ 2017

1 THE DIRECTOR OF TOWN PANCHAYAT KURALAGAM, CHENNAI

2 THE DEPUTY DIRECTOR OF TOWN AND COUNTRY PLANNING, MADURAI REGION, MADURAI

3 THE DISTRICT COLLECTOR DINDIGUL DISTRICT, DINDIGUL

4 THE ASSISTANT DIRECTOR OF TOWN PANCHAYAT, VELU NACHIAR CAMPUS, DINDIGUL REGION, DINDIGUL

5 THE EXECUTIVE OFFICER NILAKKOTTAI SELECTION GRADE TOWN PANCHAYAT, NILAKKOTTAI, DINDIGUL DIST

... Respondents in WP(MD). 4830/ 2017

1 THE DIRECTOR OF TOWN PANCHAYAT KURALAGAM, CHENNAI.

2 THE DEPUTY DIRECTOR OF TOWN AND COUNTRY PLANNING, MADURAI REGION, MADURAI.

3 THE DISTRICT COLLECTOR DINDIGUL DISTRICT, DINDIGUL.

4 THE ASSISTANT DIRECTOR OF TOWN PANCHAYAT, VELU NACHIAR CAMPUS, DINDIGUL REGION, DINDIGUL.

5 THE EXECUTIVE OFFICER, NILAKKOTTAI SELECTION GRADE TOWN PANCHAYAT, NILAKKOTTAI, DINDIGUL DISTRICT.

... Respondentss in WP(MD). 4831/ 2017



- 1 THE DIRECTOR OF TOWN PANCHAYAT KURALAGAM, CHENNAI.
- 2 THE DEPUTY DIRECTOR OF TOWN AND COUNTRY PLANNING, MADURAI REGION, MADURAI.
- 3 THE DISTRICT COLLECTOR DINDIGUL DISTRICT, DINDIGUL.
- 4 THE ASSISTANT DIRECTOR OF TOWN PANCHAYAT, VELU NACHIAR CAMPUS, DINDIGUL REGION, DINDIGUL.
- 5 THE EXECUTIVE OFFICER, NILAKKOTTAI SELECTION GRADE TOWN PANCHAYAT, NILAKKOTTAI, DINDIGUL DISTRICT.

... Respondents in WP(MD). 4855/ 2017

- 1 THE DIRECTOR OF TOWN PANCHAYAT KURALAGAM, CHENNAI.
- 2 THE DEPUTY DIRECTOR OF TOWN AND COUNTRY PLANNING, MADURAI REGION, MADURAI.
- 3 THE DISTRICT COLLECTOR DINDIGUL DISTRICT, DINDIGUL.
- 4 THE ASSISTANT DIRECTOR OF TOWN PANCHAYAT, VELU NACHIAR CAMPUS, DINDIGUL REGION, DINDIGUL.
- 5 THE EXECUTIVE OFFICER, NILAKKOTTAI SELECTION GRADE TOWN PANCHAYAT, NILAKKOTTAI, DINDIGUL DISTRICT.

... Respondents in WP(MD). 4858/ 2017

- 1 THE DIRECTOR OF TOWN PANCHAYAT KURALAGAM, CHENNAI
- 2 THE DEPUTY DIRECTOR OF TOWN AND COUNTRY PLANNING, MADURAI REGION, MADURAI
- 3 THE DISTRICT COLLECTOR DINDIGUL DISTRICT, DINDIGUL
- 4 THE ASSISTANT DIRECTOR OF TOWN PANCHAYAT, VELU NACHIAR CAMPUS, DINDIGUL REGION, DINDIGUL
- 5 THE EXECUTIVE OFFICER NILAKKOTTAI SELECTION GRADE TOWN PANCHAYAT, NILAKKOTTAI, DINDIGUL DISTRICT

... Respondents in WP(MD). 4860/ 2017

- 1 THE DIRECTOR OF TOWN PANCHAYAT KURALAGAM, CHENNAI.
- 2 THE DEPUTY DIRECTOR OF TOWN AND COUNTRY PLANNING, MADURAI REGION, MADURAI.
- 3 THE DISTRICT COLLECTOR DINDIGUL DISTRICT, DINDIGUL.
- 4 THE ASSISTANT DIRECTOR OF TOWN PANCHAYAT, VELU NACHIAR CAMPUS, DINDIGUL REGION, DINDIGUL.
- 5 THE EXECUTIVE OFFICER, NILAKKOTTAI SELECTION GRADE TOWN PANCHAYAT, NILAKKOTTAI, DINDIGUL DISTRICT.

... Respondents in WP(MD). 4861/ 2017



- 1 THE DIRECTOR OF TOWN PANCHAYAT, KURALAGAM, CHENNAI
- 2 THE DEPUTY DIRECTOR OF TOWN AND COUNTRY PLANNING, MADURAI REGION, MADURAI
- 3 THE DISTRICT COLLECTOR DINDIGUL DISTRICT, DINDIGUL
- 4 THE ASSISTANT DIRECTOR OF TOWN PANCHAYAT, VELU NACHIAR CAMPUS, DINDIGUL REGION, DINDIGUL
- 5 THE EXECUTIVE OFFICER NILAKKOTTAI SELECTION GRADE TOWN PANCHAYAT, NILAKKOTTAI, DINDIGUL DISTRICT

... Respondents in WP(MD). 4869/ 2017

- 1 THE DIRECTOR OF TOWN PANCHAYAT, KURALAGAM, CHENNAI
- 2 THE DEPUTY DIRECTOR OF TOWN AND COUNTRY PLANNING, MADURAI REGION, MADURAI
- 3 THE DISTRICT COLLECTOR DINDIGUL DISTRICT, DINDIGUL
- 4 THE ASSISTANT DIRECTOR OF TOWN PANCHAYAT, VELU NACHIAR CAMPUS, DINDIGUL REGION, DINDIGUL
- 5 THE EXECUTIVE OFFICER NILAKKOTTAI SELECTION GRADE TOWN PANCHAYAT, NILAKKOTTAI, DINDIGUL DISTRICT

... Respondents in WP(MD). 4872/ 2017

- 1 THE DIRECTOR OF TOWN PANCHAYAT KURALAGAM, CHENNAI.
- 2 THE DEPUTY DIRECTOR OF TOWN AND COUNTRY PLANNING, MADURAI REGION, MADURAI.
- 3 THE DISTRICT COLLECTOR DINDIGUL DISTRICT, DINDIGUL.
- 4 THE ASSISTANT DIRECTOR OF TOWN PANCHAYAT, VELU NACHIAR CAMPUS, DINDIGUL REGION, DINDIGUL.
- 5 THE EXECUTIVE OFFICER, NILAKKOTTAI SELECTION GRADE TOWN PANCHAYAT, NILAKKOTTAI, DINDIGUL DISTRICT.

... Respondents in WP(MD). 4874/ 2017

- 1 THE DIRECTOR OF TOWN PANCHAYAT KURALAGAM, CHENNAI.
- 2 THE DEPUTY DIRECTOR OF TOWN AND COUNTRY PLANNING, MADURAI REGION, MADURAI.
- 3 THE DISTRICT COLLECTOR DINDIGUL DISTRICT, DINDIGUL.
- 4 THE ASSISTANT DIRECTOR OF TOWN PANCHAYAT, VELU NACHIAR CAMPUS, DINDIGUL REGION, DINDIGUL.
- 5 THE EXECUTIVE OFFICER, NILAKKOTTAI SELECTION GRADE TOWN PANCHAYAT, NILAKKOTTAI, DINDIGUL DISTRICT.

... Respondents in WP(MD). 4879/ 2017



1 THE DIRECTOR OF TOWN PANCHAYAT, KURALAGAM, CHENNAI
2 THE DEPUTY DIRECTOR OF TOWN AND COUNTRY PLANNING, MADURAI
REGION, MADURAI

3 THE DISTRICT COLLECTOR DINDIGUL DISTRICT, DINDIGUL

4 THE ASSISTANT DIRECTOR OF TOWN PANCHAYAT, VELU NACHIAR CAMPUS,
DINDIGUL REGION, DINDIGUL

5 THE EXECUTIVE OFFICER NILAKKOTTAI SELECTION GRADE TOWN
PANCHAYAT, NILAKKOTTAI, DINDIGUL DISTRICT

... Respondents in WP(MD). 4890/ 2017

1 THE DIRECTOR OF TOWN PANCHAYAT KURALAGAM, CHENNAI.

2 THE DEPUTY DIRECTOR OF TOWN AND COUNTRY PLANNING, MADURAI
REGION, MADURAI.

3 THE DISTRICT COLLECTOR DINDIGUL DISTRICT, DINDIGUL.

4 THE ASSISTANT DIRECTOR OF TOWN PANCHAYAT, VELU NACHIAR CAMPUS,
DINDIGUL REGION, DINDIGUL.

5 THE EXECUTIVE OFFICER, NILAKKOTTAI SELECTION GRADE TOWN
PANCHAYAT, NILAKKOTTAI, DINDIGUL DISTRICT.

... Respondents in WP(MD). 4894/ 2017

1 THE DISTRICT COLLECTOR, DINDIGUL DISTRICT

2 THE EXECUTIVE OFFICER, NILAKKOTTAI SELECTION GRADE TOWN
PANCHAYAT, DINDIGUL DISTRICT
DINDIGUL .

3 THE CHAIRMAN, NILKOATTAI SELECTION GRADE TOWN PANCHAYAT,
NILAKKOTTAI,
DINDIGUL DISTRICT

... Respondents in WP(MD). 2052/ 2014

1 THE DIRECTOR OF TOWN PANCHAYAT OFFICE OF THE DIRECTOR OF TOWN
PANCHAYAT, EZHILAGAM CHEPUAK, CHENNAI 005.

2 THE DISTRICT COLLECTOR DINDIGUL DISTRICT.

3 THE CHAIRMAN NILAKKOTTAI TOWN PANCHAYAT, DINDIGUL.

4 THE EXECUTIVE OFFICER, NILAKKOTTAI SELECTION GRADE TOWN
PANCHAYAT, DINDIGUL DISTRICT.

5 K.MUDI MALAIYANDI LESSEE OF SHOP NO.1 FLOWER MARKET NEAR
NILAKKOTTAI BUS STOP, NILAKKOTTAI TOWN PANCHAYAT, DINDIGUL

... Respondents in WP(MD). 2332/ 2014



1 THE DIRECTOR DIRECTORATE OF TOWN PANCHAYAT, KURALAZHAM,
CHENNAI-08

2 THE DISTRICT COLLECTOR DINDIGUL DISTRICT.

3 THE EXECUTIVE OFFICER NILAKOTTAI TOWN PANCHAYAT, DINDIGUL
DISTRICT.

... Respondents in WP(MD). 11379/ 2017

1 THE DIRECTOR OF TOWN PANCHAYAT, KURALAGAM, CHENNAI.

2 THE DISTRICT COLLECTOR, DINDIGUL DISTRICT, DINDIGUL.

3 THE ASSISTANT DIRECTOR OF TOWN PANCHAYAT, VELU NACHIAR CAMPUS,
DINDIGUL DISTRICT, DINDIGUL.

4 THE EXECUTIVE OFFICER, NILAKOTTAI TOWN PANCHAYAT, NILAKOTTAI,
DINDIGUL DISTRICT.

... Respondents in WP(MD). 12621/ 2017

1 THE DIRECTOR OF TOWN PANCHAYAT KURALAGAM, CHENNAI.

2 THE DISTRICT COLLECTOR DINDIGUL DISTRICT, DINDIGUL.

3 THE ASSISTANT DIRECTOR OF TOWN PANCHAYAT, DINDIGUL REGION,
DINDIGUL.

4 THE EXECUTIVE OFFICER, NILAKOTTAI TOWN PANCHAYAT, NILAKOTTAI,
DINDIGUL DISTRICT.

... Respondents in WP(MD). 12790/ 2017

1 THE DIRECTOR OF TOWN PANCHAYATS, DIRECTORATE OF TOWN
PANCHAYATS, KURLAGAM, CHENNAI- 620108

2 THE EXECUTIVE OFFICER, NILAKOTTAI TOWN PANCHAYAT, NILAKOTTAI,
DINDIGUL DISTRICT.

3 BALAMURUGAN S/O.MEENAKSHI SUNDARAM, 13-3-1, ANNA STREET (OLD
CHINNA VALLI STREET), NILAKOTTAI-624 208, DINDIGUL DISTRICT.

(R3 IS IMPEADED VIDE COURT ORDER DATED 19/07/17

IN WMP(MD) 9789/17)

... Respondents in WP(MD). 11998/ 2017

Prayer in W.P.(MD) No.4419 of 2017 : Writ Petition is filed under
Article 226 of the Constitution of India, praying this Court to
issue a Writ of Mandamus, directing the respondents 1 and 2, to
take action on the petitioner's complaint dated 04.03.2017 and the
representation dated 13.03.2017 and to extend the lease of the
present 43 lessees of Flower Market Campus, Nilakkottai from
01.04.2017 by increasing/refixing the lease amount as per the
guidelines issued in para-(4) of G.O.(D) No.92, Municipal
Administration and Water Supply (Na.Ni.4) Department dated



03.07.2007 or to conduct the public auction of all the 69 shops after the completion of non-going construction of 33 shops in Eastern Block of the Flower Market Campus, after issuing fresh Auction cum Tender Notice and in a transparent manner, in the presence of Advocate Commissioner to be nominated .

WEB COPY

Prayer in WP(MD). 4796/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus call for the records pertaining to the impugned Re-Auction Tender Notice dated 15.03.2017 vide Na.Ka.No.1/2017/A1 to be scheduled on 23.03.2017 issued by the 5th respondent to quash the same and consequently direct the 5th respondent to conduct the Re-Auction cum Tender to the flower market on any future date after completion the entire 69 flower shops with basic amenities such as water, electricity, parking, toilet, bathroom and drainage facilities as per the plan approved by the 2nd respondent vide B.P/R (MR) No.148/2010 as revised B.P/R (MR) No.68/2010.

Prayer in WP(MD). 4826/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus call for the records pertaining to the impugned Re-Auction Tender Notice dated 15.03.2017 vide Na.Ka.No.1/2017/A1 to be scheduled on 23.03.2017 issued by the 5th respondent and to quash the same and consequently direct the 5th respondent to conduct the Re-Auction cum Tender to the flower market on any future date after completion the entire 69 flower shops with basic amenities such as water, electricity, parking, toilet, bathroom and drainage facilities as per the plan approved by the 2nd respondent vide B.P/R (MR) No.148/2010 as revised B.P/R (MR) No.68/2010.

Prayer in WP(MD). 4827/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus call for the records pertaining to the impugned Re-Auction Tender Notice dated 15.03.2017 vide Na.Ka.No.1/2017/A1 to be scheduled on 23.03.2017 issued by the 5th respondent and to quash the same and consequently direct the 5th respondent to conduct the Re-Auction cum-Tender to the flower market on any future date after completion the entire 69 flower shops with basic amenities such as water, electricity, parking, toilet, bathroom and drainage facilities as per the plan approved by the 2nd respondent vide B.P/R (MR) No.148/2010 as revised B.P/R (MR) No.68/2010.



Prayer in WP(MD). 4830/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus call for the records pertaining to the impugned Re-Auction Tender Notice dated 15.03.2017 vide Na.Ka.No.1/2017/A1 to be scheduled on 23.03.2017 issued by the 5th respondent and to quash the same and consequently direct the 5th respondent to conduct the Re-Auction cum-Tender to the Flower Market on any future date after completion the entire 69 flower shops with basic amenities such as water, electricity, parking, toilet, bathroom and drainage facilities as per the plan approved by the 2nd respondent vide B.P/R (MR)No.148/2010 as revised B.P/R (MR) No.68/2010.

Prayer in WP(MD). 4831/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus call for the records pertaining to the impugned Re-Auction Tender Notice dated 15.03.2017 vide Na.Ka.No.1/2017/A1 to be scheduled on 23.03.2017 issued by the 5th respondent and to quash the same and consequently direct the 5th respondent to conduct the Re-Auction Cum-Tender to the flower market on any future date after completion the entire 69 flower shops with basic amenities such as water electricity parking toilet bathroom and drainage facilities as per the plan approved by the 2nd respondent vide B.P/R (MR) No.148/2010 as revised B.P/R (M.R)No.68/2010.

Prayer in WP(MD). 4855/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus call for the records pertaining to the impugned Re-Auction Tender Notice dated 15.03.2017 vide Na.Ka.No.1/2017/A1 to be scheduled on 23.03.2017 issued by the 5th respondent and to quash the same and consequently direct the 5th respondent to conduct the Re-Auction cum-Tender to the flower market on any future dated after completion the entire 69 flower shops with basic amenities such as water electricity parking toilet, bathroom and drainage facilities as per the plan approved by the 2nd respondent vide B.P/R (MR)No.148/2010 as revised B.P/R (MR)No.68/2010.

Prayer in WP(MD). 4858/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus call for the records pertaining to the impugned Re-Auction Tender Notice dated 15.03.2017 vide Na.Ka.No.1/2017/A1 to be scheduled on 23.03.2017 issued by the 5th



respondent and to quash the same and consequently direct the 5th respondent to conduct the Re-Auction cum-Tender to the flower market on any future date after completion the entire 69 flower shops with basic amenities as per the plan approved by the 2nd respondent vide B.P/R (M.R) No.148/2010 as revised B.P/R (MR) No.68/2010.

Prayer in WP(MD). 4860/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned Re-Auction Tender Notice dated 15.03.2017 vide Na.Na.No.1/2017/A1 to be scheduled on 23.03.2017 issued by the 5th respondent and to quash the same and consequently direct the 5th respondent to conduct the Re-Auction cum-Tender to the flower market on any future date after completion the entire 69 flower shops with basic amenities such as water, electricity, parking, toilet, bathroom and drainage facilities as per the plan approved by the 2nd respondent vide B.P/R (MR) No.148/2010 as revised B.P/R (M.R) No.68/2010.

Prayer in WP(MD). 4861/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus call for the records pertaining to the impugned Re-Auction Tender Notice dated 15.03.2017 vide Na.Ka.No.1/2017/A1 to be scheduled on 23.03.2017 issued by the 5th respondent and to quash the same and consequently direct the 5th respondent to conduct the Re-Auction cum-Tender to the flower market on any future date after completion the entire 69 flower shops with basic amenities as per the Plan approved by the 2nd respondent vide B.P/R (MR) No.148/2010 as revised B.P/R (MR) No.68/2010.

Prayer in WP(MD). 4869/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus call for the records pertaining to the impugned Re-Auction Tender Notice dt.15.03.2017 vide Na.Ka.No.1/2017/A1 to be scheduled on 23.03.2017 issued by the 5th respondent and to quash the same and consequently direct the 5th respondent to conduct the Re-Auction cum-Tender to the flower market on any future date after completion the entire 69 flower shops with basic amenities such as water, electricity, parking toilet, bathroom and drainage facilities as per the plan approved by the 2nd respondent vide B.P/R (M.R) No.148/2010 as revised B.P/R (MR) No.68/2010.



Prayer in WP(MD). 4872/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus call for the records pertaining to the impugned Re-Auction Tender Notice dt.15.03.2017 vide Na.Ka.No.1/2017/A1 to be scheduled on 23.03.2017 issued by the 5th respondent and to quash the same and consequently direct the 5th respondent to conduct the Re-Auction cum-Tender to the flower market on any future date after completion the entire 69 flower shops with basic amenities such as water, electricity, parking toilet, bathroom and drainage facilities as per the plan approved by the 2nd respondent vide B.P/R (M.R)No.148/2010 as revised B.P/R (M.R) No.68/2010.

Prayer in WP(MD). 4874/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus call for the records pertaining to the impugned Re-Auction Tender Notice dated 15.03.2017 vide Na.Ka.No.1/2017/A1 to be scheduled on 23.03.2017 issued by the 5th respondent and to quash the same and consequently direct the 5th respondent to conduct the Re-Auction cum Tender to the flower market on any future date after completion the entire 69 flower shops with basic amenities such as water, electricity, parking, toilet, bathroom and drainage facilities as per the plan approved by the 2nd respondent vide B.P/R (MR) No.148/2010 as revised B.P/R (MR)No.68/2010.

Prayer in WP(MD). 4879/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus call for the records pertaining to the impugned Re-Auction Tender Notice dated 15.03.2017 vide Na.Ka.No.1/2017/A1 to be scheduled on 23.03.2017 issued by the 5th respondent and to quash the same and consequently direct the 5th respondent to conduct the Re-Auction cum-Tender to the flower market on any future dated after completion the entire 69 flower shops with basic amenities such as water, electricity, parking toilet bathroom and drainage facitilies as per the plan approved by the 2nd respondent vide B. P/R (MR)No.148/2010 as revised B.P/R (M.R)No. 68/2010.

Prayer in WP(MD). 4890/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus call for the records pertaining to the impugned Re-Auction Tender Notice dated 15.03.2017 vide Na.Ka.No.1/2017/A1 to be scheduled on 23.03.2017 issued by the 5th respondent and quash the same and consequently direct the 5th respondent to conduct the Re-Auction cum-Tender to the flower



market on any future date after completion the entire 69 flower shops with basic amenities such as water, electricity, parking, toilet, bathroom and drainage facilities as per the plan approved by the 2nd respondent vide B.P/R (MR)No.148/2010 as revised B.P/R (MR)No.68/2010.

WEB COPY

Prayer in WP(MD). 4894/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus call for the records pertaining to the impugned Re-Auction Tender Notice dated 15.03.2017 vide Na.Ka.No.1/2017/A1 to be scheduled on 23.03.2017 issued by the 5th respondent and to quash the same and consequently direct the 5th respondent to conduct the Re-Auction cum-Tender to the flower market on any future dated after completion the entire 69 flower shops with basic amenities such as water, electricity, parking toilet, bathroom and drainage facilities as per the plan approved by the 2nd respondent vide B.P/R (MR)No.148/2010 as revised B.P/R (MR)No.68/2010.

Prayer in WP(MD). 2052/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the Records pertaining to the impugned order in Resoluation No. 8 dated 03.02.2014 on the file of the Respondent No. 3, signed by Respondent No. 2 dated 05.02.2014 and quash the same as illegal and consequently for a direction, directing the Respondent No. 2 to conduct the scheduled Tender proceedings in a fair and transparent manner as enunciated in the Tender Notice in Na.Ka.No. 1/2014/A1 on the file of the Respondent No. 2 dated 21.01.2014 within the time period stipulated by this Hon'ble Court.

Prayer in WP(MD). 2332/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus calling for the records relating to the impugned resolution no.8 passed by the 3rd respondent dated 3.2.2014, quash the same and consequently direct the respondents 1 to 3 herein to conduct the public auction as per the terms and conditions of the auction notice in Na.Ka.No.1/2014/A1 dated 21.1.2014 on any future date and pass such further or other orders.

Prayer in WP(MD). 11379/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the retender notification issued by the 3rd respondent in DINA MARASU daily newspaper in Na Ka No. 1/2017/A1 dated 2.6.2017 published on



4.6.2017 pertaining to the allotment of shops at New Flower Market, Nilakottai Town Panchayat, Nilakottai, Dindigul District and consequently direct the respondents to issue fresh tender cum auction in any wide circulation newspapers to ensure active participation of the tenders/public.

WEB COPY

Prayer in WP(MD). 12621/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 3 and 4 to conduct auction cum Tender for the lease of 69 shops in the new Flower Market Complex, Nilakottai, Dindigul District after giving publication in a widely circulated daily paper in the vicinity.

Prayer in WP(MD). 12790/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus directing the respondents to conduct tender cum auction for the grant of lease for the 69 shops at flower market, Nilakottai Town Panchayat, Nilakottai, Dindigul District by following the procedure established under law and to follow transparency in the said process and pass such further or other orders as this Honble Court.

Prayer in WP(MD). 11998/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to conduct an E-Auction for the grant of lease of the 69 shops constructed by the Nilakottai Town Panchayat in the Flower market, Nilakottai, Dindigul District by considering the petitioners representation dated 21.06.2017.

For Petitioners : Mr.R.M.Makesh Kumaravel - W.P.4419/17
Mr.Babu Rajendran - W.P.4796, 4826, 4827,
4830, 4831, 4835, 4858, 4860, 4861, 4869,
4872, 4874, 4879, 4890, 4894 of 2017

Mr.T.Lajapathi Roy - W.P.2052/2017
Mr.C.Jeganathan - W.P.2332/2014
Mr.R.Sureshkumar - W.P.11379/17
Mr.M.Vallinayagam, senior counsel for
Mr.D.Nallathambi - W.P.12621/17
Mr.R.Ponkarthikeyan - W.P.12790/2017
Mr.G.Prabhu Rajadurai - W.P.11998/17

For Respondents : Mr.T.S.Md.Mohideen, AGP for RR1 to 3
in W.P.4419/17 and for R5 in W.P.
4796, 4826, 4827, 4830 and 4831/2017
for R1 and R2 in W.P.2052/14 and 2332/14
for R1 in W.P.11998/17



WEB COPY

Mr.S.Kumar for Nilakkottai Panchayat
Mr.Vijaya Narayanan, learned senior
counsel for Mr.R.Gandhi, for R5
in W.P.4419/2017

Mr.C.Prithvi Raj, Advocate Commissioner

Mr.S.Sukumar for R3 and 4 in WP.No.2332/14

M/s.R.Gandhi for R5 in WP.4419/17

Mr.C.Godwin, for RR6 to 10 in W.P.4419/17
Mr.Aayiram K.Selvakumar for R5 in
W.P.4855, 4858, 4860, 4861, 4869/2017

Mr.K.P.Krishnadoss for R5 in W.P.4872,
4874, 4879, 4890, 4891 of 2017 and 4894/17

Mr.R.Velmurugan for RR3 & 4 in
W.P.2332 of 2014

Mr.D.Muruganantham for RR3 in
W.P.11379 of 2017

Mr.C.Selvaraj for R4 - W.P.12621 & 12790/
2017

Mr.Vishnuvarthanan for R3 in W.P.11998/17

Mr.Babu Rajendran for R5 in W.P.2332/14

Mr.J.Gunaseelan Muthiah R2 in WP.NO.11998/17

C O M M O N O R D E R

(Order of the Court was made by G.R.SWAMINATHAN, J)

These batch of writ petitions pertain to the flower market shops in Nilakottai.

2.The Nilakottai Special Grade Town Panchayat was owning 43 flower shops in the market. These 43 shops were let out to 43 named individuals. The shops were in a dilapidated condition. It appears that the administration of the local body requested the lessees to vacate the premises so as to enable construction of a new flower market complex, the implicit understanding being that they would be accommodated in the newly constructed shops.



3.The panchayat constructed 36 shops in the first phase. The erstwhile 43 lessees were called upon to occupy the said newly constructed 36 shops. The local body actually constructed 69 shops in all. Since this construction was carried out in two phases, there arose considerable controversy. The local body issued tender notification on 20.2.2017 announcing that auction would be conducted for the said 36 shops.

4.This was challenged by one A.Ramachandran by filing W.P.(MD) No.4419 OF 2017. The writ petitioner sought extension of lease for all the existing 43 lessees of flower market campus, Nilakottai from 1.4.2017. If this was not feasible, he wanted auction to be conducted for all the 69 shops at one go. Following the institution of the said writ petition, the proposed auction was stopped. Thereafter, a fresh tender notification was published on 23.3.2017. This was challenged in a batch of writ petitions (W.P. (MD) No.4796 of 2007 (etc.)). The grievance expressed in the said writ petitions was that when the existing flower shops were 43 in number, it was not fair on the part of the local body to once again call for a tender for 36 shops alone. The writ petitioners wanted auction cum tender to be conducted after the completion of the entire 69 flower shops with all infrastructural amenities.

5.This Court had earlier passed an interim order on 16.3.2017 in W.P.(MD) No.4419 of 2017 appointing Mr.C.Prithiviraj, advocate as Advocate Commissioner for conducting a fresh tender-cum-auction. In fact, the publication of the tender notification on 23.03.2017 was pursuant to the aforesaid interim order. But owing to the filing of the batch of writ petitions, the auction could not take place. When all the cases were clubbed together and taken up for hearing on 21.04.2017, it was submitted that the infrastructural facilities were not adequate. After satisfying that the construction of the 69 shops was complete in all respects, a fresh notification was permitted to be issued. The panchayat published notification on 02.06.2017 in Dina Murasu, notifying that the auction would be held on 19.6.2017.

6.This Court had specifically directed that Shri C.Prithviraj, Advocate Commissioner shall monitor the conduct of the tender-cum-auction. The Advocate Commissioner had submitted a report along with a typed set of papers setting out the entire sequence of events. According to the said report, no one took part in the auction. But as many as 203 tender applications were lodged. The tender box was opened on 19.,6.2017 at 2 p.m. Except shop Nos.6 and 19, for all other shops, there was good response. The details were duly tabulated. But in the meanwhile, W.P.(MD) No.11379 of 2017 was filed before this court and a direction was given not to confirm the results of the tender. The Advocate Commissioner firmly asserted that tender process was properly conducted for all the 69 shops.



7. Heard the learned senior counsel and also the counsel for the contesting parties including the learned Addl. Government Pleader appearing for the Executive Officer, Nilakottai Town Panchayat, Nilakottai.

WEB COPY

8. It may be noted that out of the existing 43 lessees, 41 had taken part in the tender process. The left out two lessees complained that they were not aware of the holding of the tender process on 19.6.2017.

9. The tender process is assailed on two grounds. It was pointed out that the publication in a little known daily by name Dina Murasu would not satisfy the standards of transparency required from a state instrumentality. It was also vehemently argued that no tender took place on 19.6.2017.

10. The learned counsel appearing for the participants as well as the Additional Government Pleader appearing for the local body would point out that Dina Murasu is an empanelled news paper and therefore publication in such a daily cannot be said to be illegal or even irregular. The allegation that no tender process was conducted on 19.6.2017 was strongly denied. Reliance was placed on the report of the Advocate Commissioner. The said Advocate Commissioner was appointed by this court specifically to monitor the conduct of the tender-cum-auction process.

11. This Court gave its anxious consideration to the issues raised in this batch of writ petitions. It cannot be denied that as many as 43 named individuals have been carrying on their business in flower vending in the 43 shops belonging to the panchayat. It is again a matter of record that all these 43 lessees had without any demur vacated the premises which alone enabled the local body to smoothly carry out the project of constructing the new complex of 69 shops. This court can safely conclude that the existing lessees must have quietly vacated the shops only on the assurance that all of them would be duly accommodated in the newly constructed shops.

12. It is true that there is no written undertaking executed by the local body to this effect. But this court can always take judicial notice of the current business realities. The existing lessees clearly had a legitimate expectation that they would be reinducted once the construction of the new complex was complete. In the interest of justice and in view of the facts and circumstances prevailing in this case, this legitimate expectation of the existing 43 lessees deserves to be met and fulfilled.



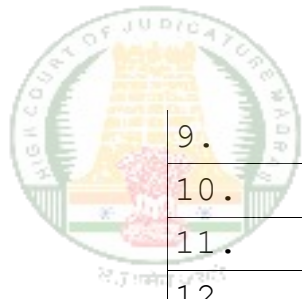
13. This court cannot at the same time brush aside the allegation that proper publication was not given. Merely because a daily news paper is empanelled in the authorized list of publication, that would not by itself be decisive of the issue. In the very nature of things, publication of tender notification will have to be only in dailies having wide circulation in the locality. Dina Murasu cannot be said to be such a publication. Even though the first limb of the submission of the counsel appearing in W.P.(MD) No.11379 of 2017 and other similar writ petitioners is acceptable, this court has to necessarily reject the contention that nothing took place on 19.6.2017. This court cannot ignore the report of the Advocate Commissioner. It is seen that as many as 203 tender applications were received for the 69 shops.

14. There are 69 shops in all. There are 43 existing lessees whose case deserves favourable and sympathetic consideration on account of their cooperation with the local body in vacating the premises earlier. Out of 43, two had not taken part in the tender process. It is also forcefully contended that the entire exercise must be scrapped and that a fresh tender-cum-auction should be conducted for all the 69 shops in a transparent manner after wide circulation.

15. In fact, the controversy dates back to 2014. When the panchayat passed a resolution extending the leases of the current lessees for a period of three years, the same was challenged in W.P.(MD) No.2052 of 2014 and 2332 of 2014.

16. In order to give a quietus to the entire issue, this court took into confidence all the parties to the litigation by discussing the matter with their counsel. The Court clearly indicated that it will have to balance the equities. The parties through their respective counsel agreed for passing of an equitable order on the following lines. We therefore pass orders with the consent of all the parties. Accordingly, the allotment for the 43 existing lessees would be as under:

Shop No.	Name (Old shop number is mentioned in bracket;)	Maximum rent in Rs.
1.	M.Manikandan (1)	2850
2.	S.M.Venkatesan (42)	2700
3.	C.Vasanthi	2750
4.	T.Vigneswara Raj	2800
5.	R.Venkatachalapathy	2850
6.	Not allotted	---
7.	P.R. Robert Thomas	2750
8.	S.Thangaraj	2800



9.	M.Mariya Jobitha	2800
10.	K.Guruvaiah	2800
11.	S.Meenakshi Sundaram	2850
12.	S.Albert Arockiadass	2850
13.	V.Mangan Kumar	2750
14.	A.Ramachandran	2800
15.	R.Murugan	2800
16.	R.Sangili	2850
17.	C.Karuppiah	2750
18.	M.Nachimuthu	2750
19.	Not allotted	--
20.	C.Asaitambi	2750
21.	P.Veerahcamy	2800
22.	S.John Kennedy	2850
23.	J.Daniel	2800
24.	C.M.Mariya Selvam	2800
25.	M.Arulsamy	2850
26.	M.Justin Thiraviyam	2750
27.	P.Savariyar	2750
28.	R.S.Amalraj	2800
29.	S.N.Karthikeyan	2800
30.	S.N.Jegadeesan	2750
31.	T.Arun Pandiyan	2750
32.	S.Indirani	2750
33.	V.Chithra	2750
34.	S.Arockiaraj	2700
35.	R.S.Amalraj	2750
36.	V.Balasubramani	2750
37.	V.Nagarajan	2700
38.	S.Govindaraj	2700
39.	V.J.Vima Amalan	2700
40.	R.Muthiah	2700
41.	P.Rajendran	2600
42.	P.Natarajan	2700
43.	P.Panneer Selvam	2750



17. Since this court is of the view that the publication was not properly done, it is directed that there will be a fresh tender-cum-auction for the remaining 26 shops. The executive officer of Nilakottai Special Grade Panchayat is directed to notify the holding of such a tender-cum-auction in any Tamil News Paper having a wide circulation in the locality. It is made clear that those coming out successful in the said process will have to carry on their business only in flower vending. They cannot sublease or transfer their lease. If the local body comes to know that the successful bidder is not personally carrying on the business in the flower market in question, they can very well cancel the lease after giving due notice.

18. All the writ petitions are disposed of with the following directions.

1. The existing 43 lessees are allotted the shops mentioned above on their agreeing to pay the sum of Rs.2,850/- p.m. as rent. The fourth respondent is directed to issue necessary orders of allotment within seven days from today. The lessees shall have to pay revised rent after the expiry of each year. The enhanced rent will be as per the norms stipulated by the Government for all the local bodies.
 2. The period of lease of the said 43 lessees shall be only for three years. They shall not be entitled to any automatic renewal. All the said 43 shops will have to be brought for fresh public auction on the expiry of the three year period.
 3. Fresh tender-cum-auction shall be conducted for the remaining 26 shops. The executive officer shall cause a wide publication of the proposed holding of the tender-cum-auction. The conduct of the tender cum auction for the remaining 26 shops shall be monitored by Shri.C.Prithviraj, Advocate Commissioner, who was appointed earlier by this Court.
 4. The tender-cum-auction shall be conducted by two tier system. The applicants have to submit the bids. Thereafter, after opening the bids, there should be an auction among the tenderers taking the highest amount as the upset price. The tender cum auction shall be conducted in a transparent manner by the fourth respondent under the monitoring of the Advocate Commissioner.
 5. All the 69 lessees shall carry on flower business alone. There cannot be any transfer or sublease of the said right to carry on business in the said shops. If violation is noticed, the lease / license is liable to be cancelled.
 6. Along with the 26 shops, the three canteens shall also be auctioned. In the said canteen areas, canteen alone should be run.
7. The shops attached to the building will be maintained by the sanitary section of the town panchayat.



WEB COPY

All the writ petitions are disposed of as indicated above. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CSI)

/True Copy/

Sub-Assistant Registrar

To

- 1.The Director of Town Panchayats,
"Kuralagam", Chennai - 600 108.
- 2.The District Collector,
Dindigul District, Dindigul.
- 3.The Assistant Director of Town Panchayats,
Dindigul District, Dindigul.
- 4.The Executive Officer,
Nilakkottai Town Panchayat,
Nilakkottai,
Dindigul District.
- 5.The Director of Town Panchayat,
Ezhilagam, Chennai-5

+One cc to Mr.Babu Rajendran, Advocate, SR.No.75649
+One cc to Mr.R.M.Makesh Kumaravel, Advocate, SR.No.75580
+One cc to Mr.C.Godwin, Advocate, SR.No.75658
+One cc to Mr.R.Gandhi, Advocate, SR.No.75520
+One cc to Mr.Babu Rajendran, Advocate, SR.No.75826

Arul

RL/11C/20P/SKN/RSK/SAR1/1/9/2017

Order made in
W.P (MD) No.4419 of 2017 and etc. batch

31.08.2017