



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.01.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

W.P. (MD) Nos.182 to 188, 191 and 192 of 2018
and

W.M.P. (MD) Nos.190 to 203 and 208 to 211 of 2018

A.M.HYDER ALI	... PETITIONER IN WP (MD) No.182/2018
K.M.FATHUGUR RAFFANI	... PETITIONER IN WP (MD) No.183/2018
P.ABDUL NAZER	... PETITIONER IN WP (MD) No.184/2018
S.H.BADHURUDHEEN	... PETITIONER IN WP (MD) No.185/2018
K.A.M.A.K.N.SANKAR	... PETITIONER IN WP (MD) No.186/2018
A.SAMSUDHEEN	... PETITIONER IN WP (MD) No.187/2018
M.JERIN GOLDA	... PETITIONER IN WP (MD) No.188/2018
A.SARAFUTHEEN	... PETITIONER IN WP (MD) No.191/2018
C.DURAI	... PETITIONER IN WP (MD) No.192/2018

Vs.

THE COMMISSIONER,
NAGERCOIL MUNICIPALITY,
NAGERCOIL-629 001.

... RESPONDENT IN ALL WPs

Prayer in WP (MD) No.182/2018:

Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the notice in Na.Ka.No.7841/2017/A13, published by the respondent in one issue of Dhina Malar News Paper, Nagercoil Edition, dated 28.12.2017, and to quash the same, in so far as the Shop No.3, Nainar Commercial Complex, Ground Floor, N.M.C.Building, T.V.M.Road, Vadasery, Nagercoil-629 003, is concerned, and directing the respondent to renew the lease in respect of Shop No.3, Nainar Commercial Complex, Ground Floor, N.M.C.Building, T.V.M.Road, Vadasery, Nagercoil-629 003, Kanyakumari District, in terms of G.O.No.92 Municipal Administration and Drinking Water Supply (N.N.4) Department, dated 03.07.2007, with effect from 01.04.2018, in favour of the petitioner, upon such usual terms and conditions within a time frame as may be fixed by this Court.



Prayer in WP(MD)No.183/ 2018 :

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 notice in Na.Ka.No.7841/2017/A13, published by the respondent in one issue of Dhina Malar News Paper, Nagercoil Edition, dt.28/12/2017, and to quash the same, in so far as the Shop No.4, Nainar Commercial Complex, Ground floor, N.M.C.Building, T.V.M.Road, Vadasery, Nagercoil -629 003, is concerned, and directing the respondent to renew the lease in respect of Shop No.4 Nainar Commercial Complex, Ground Floor, N.M.C.Building, T.V.M.Road, Vadasery, Nagercoil-629003, Kanyakumari District, in terms of G.O.No.92 Municipal Administration and Drinking Water Supply (N.N.4) Department, dated 03.07.2007, with effect from 01.04.2018, in favour of the petitioner, upon such usual terms and conditions within a time.

Prayer in WP(MD)No.184/ 2018 :

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 notice in Na.Ka.No.7841/2017/A13, published by the respondent in one issue of Dhina Malar News paper, Nagercoil Edition, dated 28.12.2017, and to quash the same, in so far as the Shop No.22/471 (South), In front of Market, Balamore Road, Vadasery, Nagercoil - 629 001, is concerned, and directing the respondent to renew the lease in respect of Shop No.22/471 (South), In front of Market, Balamore Road, Vadasery, Nagercoil - 629 001, Kanyakumari Dist, in terms of G.O.No.92 Municipal Administration and Drinking Water Supply (N.N.4) Department, dated 03.07.2007, with effect from 01.04.2018, in favour of the petitioner.

Prayer in WP(MD)No.185/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for records relating to the notice in Na.Ka.No.7841/2017/A13, published by the respondent in one issue of Dhina Malar News Paper, Nagercoil Edition, dated 28/12/2017, and to quash the same, in so far as the Shop No.8, Nainar Commercial Complex, Ground Floor, N.M.C.Bulding, T.V.M.Road, Vadasery, Nagercoil - 629 003, is concerned, and directing the respondent to renew the lease in respect of Shop No. 8, Nainar Commercial Complex, Ground Floor, N.M.C.Building, T.V.M.Road, Vadasery, Nagercoil-629003, Kanyakumari District, in terms of G.O.No.92 Municipal Administration and Drinking Water Supply (N.N.4) Department, dated 03.07.2007, with effect from 01.04.2018, in favour of the petitioner.



Prayer in WP(MD)No.186/ 2018 :

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 notice in Na.Ka.No.7841/2017/A13, published by the respondent in one issue of Dhina Malar News paper, Nagercoil Edition, dated 28.12.2017, and to quash the same, in so far as the Shop Nos.11 & 12, Nainar Commercial Complex, Ground Floor, N.M.C.Building, T.V.M.Road, Vadasery, Nagercoil - 629 003, are concerned and directing the respondent to renew the lease in respect of Shop Nos.11 & 12, Nainar Commercial Complex, Ground Floor, N.M.C.Building, T.V.M.Road, Vadasery, Nagercoil-629003, Kanyakumari District, in terms of G.O.No.92 Municipal Administration and Drinking Water Supply (N.N.4) Department, dated 03.07.2007, with effect from 01.04.2018, in favour of the petitioner upon such usual terms and conditions within a time.

Prayer in WP(MD)No.187/ 2018 :

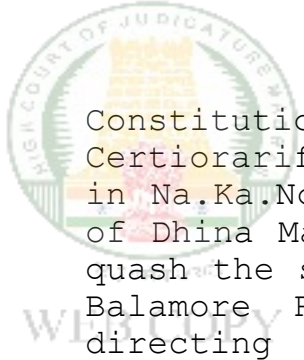
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for records relating to the notice in Na.Ka.No.7841/2017/A13, published by the respondent in one issue of Dhina Malar News Paper, Nagerkoil Edition, dt.28/12/2017, and to quash the same, in so far as the Shop No.15, Nainar Commercial Complex, Ground floor, N.M.C.Building, T.V.M.Road, Vadasery, Nagerkoil -629 003, is concerned, and directing the respondent to renew the lease in respect of Shop No.15, Nainar Commercial Complex, Ground floor, T.V.M.Road, Vadasery, Nagerkoil, Kanyakumari District, in terms of G.O.No.92, Municipal Administration and Drinking Water Supply(N.N.4) Department, DT.03/07/2007, with effect from 01/04/2018 in favour of the petitioner, upon such usual terms and conditions within a time.

Prayer in WP(MD)No.188/ 2018 :

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 notice in Na.Ka.No.7841/2017/A13, published by the respondent in one issue of Dhina Malar News paper, Nagercoil Edition, dated 28.12.2017, and to quash the same, in so far as the Shop No.2, Nainar Commercial Complex, Ground Floor, N.M.C.Building, T.V.M.Road, Vadasery, Nagercoil - 629 003, is concerned and directing the respondent to renew the lease in respect of Shop No.2, Nainar Commercial Complex, Ground Floor, N.M.C.Building, T.V.M.Road, Vadasery, Nagercoil - 629 003, Kanyakumari Dist, in terms of G.O.No.92, Municipal Administration and Drinking Water Supply(N.N.4) Department, DT.03/07/2007, with effect from 01/04/2018 in favour of the petitioner, upon such usual terms and conditions within a time.

Prayer in WP(MD)No.191/ 2018 :

Writ Petition is filed under Article 226 of the



Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for records relating to the notice in Na.Ka.No.7841/2017/A13, published by the respondent in one issue of Dhina Malar News Paper, Nagercoil Edition, dt.28/12/2017, and to quash the same, in so far as the Shop No.22/461, in front of market, Balamore Road, Vadasery, Nagercoil -629 001, is concerned, and directing the respondent to renew the lease in respect of Shop No.22/461, in front of Market, Balamore Road, Vadasery, Nagercoil, Kanyakumari District, in terms of G.O.No.92, Municipal Administration and Drinking Water Supply(N.N.4) Department, DT.03/07/2007, with effect from 01/04/2018 in favour of the petitioner, upon such usual terms and conditions within a time.

Prayer in WP(MD)No.192/ 2018 :

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 notice in Na.Ka.No.7841/2017/A13, published by the respondent in one issue of Dhina Malar News paper, Nagercoil Edition, dated 28.12.2017, and to quash the same, in so far as the Shop No.9, Nainar Commercial Complex, Ground Floor, N.M.C.Building, T.V.M.Road, Vadasery, Nagercoil - 629 003, is concerned and directing the respondent to renew the lease in respect of Shop No.9, Nainar Commercial Complex, Ground Floor, N.M.C.Building, T.V.M.Road, Vadasery, Nagercoil - 629 003, Kanyakumari District, in terms of G.O.No.92, Municipal Administration and Drinking Water Supply(N.N.4) Department, DT.03/07/2007, with effect from 01/04/2018 in favour of the petitioner, upon such usual terms and conditions within a time.

For Petitioner : Mr.Subbiah,
Senior Counsel
for N.Subramanian in all WPs

For Respondent : Mr.P.Athimoolapandian,
Standing counsel in all WPs

ORDER

This batch of Writ Petition has been filed challenging the auction notice issued by the Nagercoil Municipality calling for public auction to lease out the shops.

2.When the matter is taken up for hearing, today, the learned counsel appearing for the respondent submitted that except two shops, which is the subject matter of W.P.(MD)Nos.189 & 190 of 2018, all the other shops are de-notified from the public auction.

3.In view of the fact that the shops are already de-notified, the petitioners need not challenge the above notification. Hence, these Writ Petitions are disposed of. However, it is open to



the petitioners to challenge any such notification issued in respect of the above said shops in future. No costs. Consequently connected Miscellaneous Petitions are closed.

WEB COPY

Sd/-
Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To

The Commissioner,
Nagercoil Municipality,
Nagercoil-629 001.

+ 1 CC TO Mr.N.SUBRAMANIAN, ADVOCATE IN SR No. 42231

TA

TE/SKN-RSK/SAR-1 : 27/02/2018 : 5P/3C

W.P.(MD)Nos.182 to 188, 191 and 192 of 2018 and
W.M.P.(MD)Nos.190 to 203 and 208 to 211 of 2018
11.01.2018