



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MRS. JUSTICE R. HEMALATHA

W.P(MD) No. 541 of 2018

and

W.M.P(MD) Nos. 567 to 569 of 2018

P. Kumaresan

: Petitioner

Vs.

1. The District Collector,
Kanayakumari District at Nagercoil.

2. The Commissioner,
Nagercoil Municipality,
Nagercoil, Kanyakumari District.

: Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned Tender Notification issued by the second respondent the Commissioner, Nagercoil Municipality vide Na.Ka.No.7841/2017/A13, published in Dinamalar News paper dated 28.12.2017 and quash the same and further direct the respondents to evict all the shop owners and reconstruct the shops indicated in Tender Notification.

For Petitioner	: Mr.S.Xavier Rajini
For Respondent No.1	: Mr.A.Muthukaruppan Additional Government Pleader
For Respondent No.2	: Mr.P.Athimoolapandian Standing Counsel

ORDER

(Order of the Court was made by **M. SATHYANARAYANAN, J.**)

The petitioner came forward to file this writ petition styled as a "Public Interest Litigation" stating that in respect of the shops owned by the Nagercoil Municipality, public auction is sought to be conducted despite the fact that most of the shops are in dilapidated condition.

2.The writ petition was entertained on 10.01.2018 and on that day, the learned Standing Counsel appearing for the Nagercoil Municipality, on instructions, made a submission that more than 30 writ petitions have been filed to stall the auction proceedings



and in none of the cases, interim order has been granted and the petitioner, under the guise of filing this writ petition, wants to stall the auction and in respect of conducting the auction, the dilapidated shops numbering 73 will be excluded.

3. The matter is listed today. The learned Standing Counsel would submit that 73 shops in dilapidated condition have already been demolished and in the auction conducted a sum of Rs.3,20,00,000/- have been released which would benefit the local body and on an earlier occasion on account of periodical renovation of license, nearly a sum of Rs.45,00,000/- has been collected and the auction is conducted in 95 shops and in respect of 56 shops located in some other places, re-auction is going to be conducted.

4. At this juncture, the learned Counsel appearing for the petitioner would submit that the shop keepers have already encroached upon the roads and created nuisance and inconvenience to the public and the learned Standing Counsel would submit that after conducting necessary enquiries, the encroachments would be removed strictly in accordance with law and the said submission on instructions is placed on record.

5. In the light of the said observation, nothing remains for adjudication in this matter. Accordingly, the writ petition is closed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Kanyakumari District at Nagercoil.

2. The Commissioner,
Nagercoil Municipality,
Nagercoil, Kanyakumari District.

+1cc to Spl. Government Pleader Sr.No.47868

+1cc to Mr.S.Xavier Rajini, Advocate Sr.No.47843

MR

VB/KKR/SAR1/26.03.2018/2P/5C

W.P (MD) No.541 of 2018

09.02.2018