



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD) Nos. 4160, 4161, 4247, 4405, 4410 and 4411 of 2019

and

W.M.P. (MD) Nos. 3270, 3271, 3272, 3273, 3367, 3507, 3508, 3509, 3513, 3514, 3515 and 3516 of 2019

W.P. (MD) No. 4160 of 2019

1.G.Arumuga Nainar
2.K.Latha
3.S.Palaniselvam
4.S.Kumaragurubaran
5.G.Vanniaraja
6.E.Duraiaraj
7.M.Thiruppathy
8.P.Periyasamy
9.C.Vijayan
10.S.Krishnan
11.S.Ganesan

... Petitioners in WP(MD)No.4160 of 2019

1 P.PERIYASAMY,
2 PALANIKUMAR,
3 M.RAJA,
4 J.SENTHILKUMAR,
5 N.SIVA SHANMUGAM @ SHARMILA
6 S.REGHU,

... Petitioners in WP(MD). 4161/ 2019

P.SENTHILKUMAR,
S.VIMAL PONRAJ,
D.SUKUMAR
NASREN,

... Petitioner in WP(MD). 4247/ 2019
... Petitioner in WP(MD). 4405/ 2019
... Petitioner in WP(MD). 4410/ 2019
... Petitioner in WP(MD). 4411/ 2019

Vs

1.The Assistant Director of Panchayats,
<https://hcservices.ecourts.gov.in/hcservices/>
Tirunelveli Region, Tirunelveli.



2. The Executive Officer,
Selection Grade Town Panchayat,
Tiruchendur, Tirunelveli District.

... Respondents in WP(MD)
Nos.4160, 4161,4247, 4410 and 4411 of 2019

WEB COPY

1 THE SPECIAL OFFICER,
TIRUCHENDUR TOWN PANCHAYAT CUM ASSISTANT DIRECTOR,
(TOWN PANCHAYATS), TIRUNELVELI ZONE, TIRUNELVELI.

2 THE EXECUTIVE OFFICER,
SPECIAL GRADE TOWN PANCHAYAT,
TIRUCHENDUR, TUTICORIN DISTRICT.

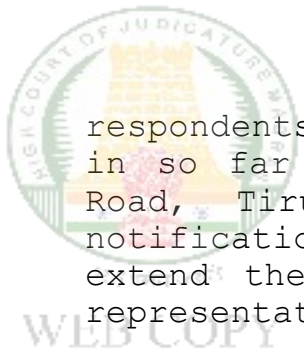
... Respondents in WP(MD). 4405/ 2019

PRAYER IN WP(MD)NO.4160 OF 2019: 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 auction notification issued by the 2nd respondent in Na.Ka.No.45 of 2019, dated 11.02.2019 and quash the same insofar as concerned with the petitioners' shops alone and consequently direct the 2nd respondent to re-fix the rental amount insofar as concerned with the petitioners' shops.

Prayer in WP(MD). 4161/ 2019 : 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 auction notification issued by the 2nd respondent in Na.Ka.No. 45/2019 dated 11.02.2019 and quash the same in so far as concerned with the petitioners shops alone and consequently direct the 2nd respondent to re-fix the rental amount in so far as concerned with the petitioner's shops

Prayer in WP(MD). 4247/ 2019 : 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 auction notification issued by the 2nd respondent in Na.Ka.No.45/2019 dated 11.02.2019 and quash the same in so far as concerned with the petitioners shop No.9 alone and consequently direct the 2nd respondent to re-fix the rental amount in so far as concerned with the petitioner's shop

Prayer in WP(MD). 4405/ 2019 : 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 entire records pertaining to the tender/auction notification issued by the



respondents in Na.Ka.No. 45/2019 dated 13.02.2019 and quash the same in so far as Shop No. 4 situated in Commercial Complex at Kayal Road, Tiruchendur as mentioned in Serial No.9 of the said notification is concerned and consequently direct the respondents to extend the period of lease on the strength of the petitioner's representation dated 12.02.2019

Prayer in WP(MD). 4410/ 2019 : 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 relating to the impugned tender notification issued by the 2nd respondent in Na.Ka.No., 45/2019 dated 11.02.2019 and quash the same in so far as concerned with the petitioner's shop alone and consequently directing the 2nd respondent to re-fix the rental amount in so far as concerned with the petitioner's shop.

Prayer in WP(MD). 4411/ 2019 : 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 relating to the impugned tender notification issued by the 2nd respondent in Na.Ka.No. 45/2019 dated 11.02.2019 and quash the same in so far as concerned with the petitioner's shop alone and consequently directing the 2nd respondent to re-fix the rental amount in so far as concerned with the petitioner's shop.

For Petitioners : Mr.M.C.Swamy

in WP(MD)No.4160,4161,4247 of 2019

: Mr. R. Anand, in WP(MD)No.4405 of 2019

: Mr.M.Gnanagurunathan,

in WP(MD)No.4410 AND 4411 OF 2019

For Respondents : Mr.M.Rajarajan

Government Advocate in all WP's.

COMMON ORDER

The notification impugned in these writ petitions has already been withdrawn.

2.The learned Government Advocate submits before this Court that as and when the local body decides to hold a fresh tender/auction a fresh notification will be issued.

3.Since the main challenge has become infructuous, the question of granting consequential relief does not arise. However, the rights of the writ petitioners are left open.



4. With this observation, these Writ Petitions are closed. No costs. Consequently, connected miscellaneous petitions are closed.

SD

ASSISTANT REGISTRAR (CS II)

TRUE COPY

WEB COPY

SUB ASSISTANT REGISTRAR (CS)

ias

To:

1. THE ASSISTANT DIRECTOR OF PANCHAYATS,
TIRUNELVELI REGION,
TIRUNELVELI.

2. THE EXECUTIVE OFFICER,
SELECTION GRADE TOWN PANCHAYAT,
TIRUCHENDUR,
TIRUNELVELI DISTRICT.

3. THE SPECIAL OFFICER,
TIRUCHENDUR TOWN PANCHAYAT CUM ASSISTANT DIRECTOR,
(TOWN PANCHAYATS), TIRUNELVELI ZONE, TIRUNELVELI.

3CC'S TO MR. M.C. SWAMY, ADVOCATE SR 54417, 54418, 54419

2CC'S TO MR. M. GNANAGURUNATHAN, ADVOCATE SR 54437, 54438

1CC TO THE SPL GOVT PLEADER SR 54749 AND 54660

KK

9.4.2019

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**W.P. (MD) Nos. 4160, 4161, 4247,
4405, 4410 and 4411 of 2019**

15.03.2019