



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:12.12.2019

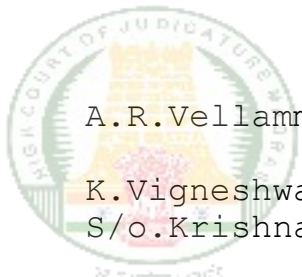
CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

WEB COPY

W.P(MD)Nos.20326 to 20365, 20667, 20710, 20711 and 20925 of 2018
and
W.M.P(MD)Nos.18088 to 18127, 18426 ,18464, 18465 and 18697 of 2018

C.Elangovan	...Petitioner in WP(MD) No.20326 of 2018
V.Kannadhasan	...Petitioner in WP(MD) No.20327 of 2018
S.Karmegam	...Petitioner in WP(MD) No.20328 of 2018
P.R.Karunanidhi	...Petitioner in WP(MD) No.20329 of 2018
M.Karuppaiah	...Petitioner in WP(MD) No.20330 of 2018
K.Ramachandran	...Petitioner in WP(MD) No.20331 of 2018
K.Ravi	...Petitioner in WP(MD) No.20332 of 2018
A.Abuthahir	...Petitioner in WP(MD) No.20333 of 2018
S.Anushiya	...Petitioner in WP(MD) No.20334 of 2018
S.M.Arumugam	...Petitioner in WP(MD) No.20335 of 2018
T.Arumugam	...Petitioner in WP(MD) No.20336 of 2018
N.Bakkirmasthan	...Petitioner in WP(MD) No.20337 of 2018
A.Chandrasekar	...Petitioner in WP(MD) No.20338 of 2018
M.Hariharan	...Petitioner in WP(MD) No.20339 of 2018
M.Jeyapaul	...Petitioner in WP(MD) No.20340 of 2018
S.Kalidass, S/o.Shanmugam	...Petitioner in WP(MD) No.20341 of 2018
S.Kalidass, S/o.Shanmugam	...Petitioner in WP(MD) No.20342 of 2018
M.Karunamoorthy	...Petitioner in WP(MD) No.20343 of 2018
S.Kathiravan	...Petitioner in WP(MD) No.20344 of 2018
C.Kumar	...Petitioner in WP(MD) No.20345 of 2018
A.Mathina Begum	...Petitioner in WP(MD) No.20346 of 2018
A.Mohammed Yasin	...Petitioner in WP(MD) No.20347 of 2018
R.Muthukumar	...Petitioner in WP(MD) No.20348 of 2018
M.Muthu Mohammed	...Petitioner in WP(MD) No.20349 of 2018
M.Muthuvairavan	...Petitioner in WP(MD) No.20350 of 2018
R.Naresh Kumar	...Petitioner in WP(MD) No.20351 of 2018
S.Peer Mohammed	...Petitioner in WP(MD) No.20352 of 2018
P.L.Rajendran	...Petitioner in WP(MD) No.20353 of 2018
R.Seenivasan	...Petitioner in WP(MD) No.20354 of 2018
C.Senthilnathan	...Petitioner in WP(MD) No.20355 of 2018
A.Sahul Hameed	...Petitioner in WP(MD) No.20356 of 2018
M.Sheik Abdullah	...Petitioner in WP(MD) No.20357 of 2018
S.Sivakumar	...Petitioner in WP(MD) No.20358 of 2018
H.Sudha	...Petitioner in WP(MD) No.20359 of 2018
S.Sumathi	...Petitioner in WP(MD) No.20360 of 2018
R.Tirunavukarasu	...Petitioner in WP(MD) No.20361 of 2018
A.Veereandran	...Petitioner in WP(MD) No.20362 of 2018



A.R.Vellammal

...Petitioner in WP(MD) No.20363 of 2018

K.Vigneshwaran,
S/o.Krishnakumar

...Petitioner in WP(MD) No.20364 of 2018

K.Vigneshwaran,
S/o.Krishnakumar

...Petitioner in WP(MD) No.20365 of 2018

S.Sekar

...Petitioner in WP(MD) No.20667 of 2018

Rajeshwari

...Petitioner in WP(MD) No.20710 of 2018

Nagarajan

...Petitioner in WP(MD) No.20711 of 2018

N.Vanathi

...Petitioner in WP(MD) No.20925 of 2018

Vs.

1.The District Collector,
O/o.the District Collector,
Sivagangai,
Sivagangai District.

2.The Director of Town Panchayats,
4th Floor, Kuralagam,
Chennai - 108.

3.The Executive Officer,
Tiruppattur Town Panchayat(Selection Grade),
Tirupattur,
Sivagangai District.

... Respondents in all WPs

Common Prayer: Writ Petitions are filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned notice issued by the third respondent in his proceedings in ந.க.எண் .150/2018/அ5, dated 30.08.2018 insofar as directing the petitioner to hand over the shop situated at Tiruppattur bus stand complex, Tiruppattur, Sivagangai District on or before 30.09.2018 and quash the same as illegal and consequentially to direct the respondents to allot new shops proposed for construction at Tiruppattur bus stand, Tiruppattur, Sivagangai District on priority basis within the period that may be stipulated by this Court.

For Petitioner : Mr.M.Ajmal Khan,
learned Senior Counsel for
M/s.Ajmal Associates
in W.P(MD)Nos.20326 to 20365,
20710, 20711 and 20925 of 2018

: Mr.B.Senthilnathan,
in WP(MD).20667 of 2018



For R-1 & R-2 : Mrs.J.Padmavathi Devi,
Special Government Pleader

For R-3 : Mr.M.Rajarajan

WEB COPY

COMMON ORDER

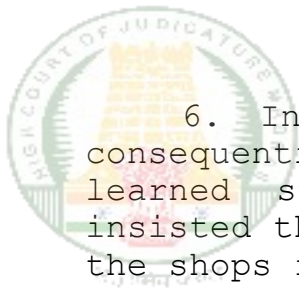
Heard Mr.M.Ajmal Khan, learned Senior Counsel for M/s.Ajmal Associates, learned counsel for the petitioner, Mrs.J.Padmavathi Devi, learned Special Government Pleader for the respondents 1 and 2 and Mr.M.Rajarajan, learned standing counsel for the third respondent.

2. These writ petitions are filed challenging the impugned notice issued by the third respondent in proceedings ந.க.எண் .150/2018/அ5 dated 30.08.2018 insofar as directing the petitioners to hand over the respective shops situated at Tiruppatur bus-stand complex on or before 30.09.2018 and there is also a consequential prayer to direct the respondents to allot new shops proposed for construction at Tiruppatur bus stand, Tiruppatur, Sivagangai District on priority basis.

3. All the petitioners were in possession of the shops belonging to the Tiruppatur Town Panchayat, the third respondent herein, which are situated at Tiruppatur bus-stand complex. They have been running shops in the premises for more than one or two decades. While so, as per G.O.Ms.No.568 dated 15.09.2015, the State Government decided to expand the Tiruppatur old bus-stand and had planned to renovate the existing shopping complex attached to the bus-stand. Though requests were made by the petitioners, the same were rejected and the impugned order was passed calling upon the petitioners to hand over possession on or before 30.09.2018. The impugned order further states that the petitioners, who were in arrears of rent have also to pay the rent up to date and hand over possession on or before 30.09.2018 and without which, they will not be considered for re-allotment of shops in the newly constructed shopping complex on the basis of priority.

4. Insofar as the first limb of the prayer is concerned, this Court had already granted an interim order extending time for vacating the shop till 30.11.2018 on filing affidavit of undertaking to vacate the premises. Till such time, the respondents were also directed not to effect the impugned orders.

5. It is now stated that all the petitioners have vacated the premises before the date fixed and also filed an affidavit of undertaking to that effect. Hence, the impugned order has become infructuous insofar as the vacation of premises is concerned.



6. Insofar as the second limb of the prayer, namely, the consequential relief sought for by the petitioners is concerned, the learned standing counsel appearing for the Executive Officer insisted that their interest would be safeguarded before letting out the shops for rent.

7. It is now stated that total shops in and around the old bus-stand were 63 in numbers and after demolishing the said shops, the respondents decided to construct 43 new shops.

8. The learned Special Government Pleader also stated that the building is almost completed and that only finishing touch is to be done and there are only 43 shops.

9. The learned counsel appearing for the petitioners relied on the orders passed by this Court in a batch of writ petitions in W.P (MD)No.6120 of 2017 and others, dated 27.11.2017. In the said case also, there was an assurance given by the panchayat that the petitioners therein would be allotted new shops after the construction was over. But, the order came to be passed only after the auction notice was issued and there was a resolution by the panchayat to the effect that the petitioners who were protected by the interim order would be allotted on a priority basis.

10. However, in this case, though there is no such assurance given in the impugned order, it implies that it is open to the petitioners to get allotment on priority basis subject to the auction conditions. If already there is an arrangement between the petitioners and the respondents that the shops will be allotted to the petitioners, who had vacated the premises within the time stipulated by the respondents and extended by this Court, it is open to the respondents to consider the same. It has been stated in the impugned notice that the petitioners will be considered for allotment of the shops after the building is completed. However, there is no resolution passed by the panchayat to that effect. Considering the plight of the petitioners, who have promptly vacated and handed over possession to the respondents, they may be considered for allotment on a priority basis subject to the auction notice and conditions.

With the above directions, the writ petitions are disposed of. No Costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



1.The District Collector,
O/o.the District Collector,
Sivagangai,
Sivagangai District.

2.The Director of Town Panchayats,
4th Floor, Kuralagam,
Chennai - 108.

3.The Executive Officer,
Tiruppattur Town Panchayat(Selection Grade),
Tirupattur,
Sivagangai District.

+43 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-104771)

+1 CC to M/s.SPL.GP (SR-104964)

+1CC TO MR.B.SENTHILNATHAN, Advocate Sr. No. 104716

W.P(MD)Nos.20326 to 20365, 20667,
20710, 20711 and 20925 of 2018
and
W.M.P(MD)Nos.18088 to 18127, 18426 ,
18464, 18465 and 18697 of 2018
12.12.2019

MA (CO)
TR(20.01.2020) 5P 49C