



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2020

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P (MD) Nos.4275, 4277,4278,4280 and 4281 of 2020

WEB COPY

1.D.Kulandhai	... Petitioner in W.P(MD)No.4275 of 2020
2.A.Chitra Devi	...Petitioner in W.P(MD)No.4277 of 2020
3.K.Muthaiah	...Petitioner in W.P(MD)No.4278 of 2020
4.A.Habeebulla	...Petitioner in W.P(MD)No.4280 of 2020
5.R.Senthil Kumar	...Petitioner in W.P(MD)No.4281 of 2020

Vs.

1.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 W.Ps'

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider the Petitioner's representation dated 14.2.2020 for allotment of new shop on priority basis at Thiruppathur Bus Stand Complex, Thiruppathur, Sivagangai District, within a stipulated time.

For Petitioner : Mr.S.Kameswaran
in all W.Ps'

For Respondents : Mr.M.Rajarajan
in all W.Ps' Govt.Advocate

COMMON ORDER

Heard Mr.S.Kameswaran, learned counsel appearing for the Petitioner and Mr.M.Rajarajan, learned Government Advocate appearing for the respondents.

2. These writ petitions are filed seeking issuance of a Writ of Mandamus directing the respondents to consider the Petitioners' representation dated 14.2.2020 for allotment of new shops on priority basis at Thiruppathur Bus Stand Complex, Thiruppathur,

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Sivagangai District, within a stipulated time.

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 in this regard, 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. This Court in cases of similar prayer, 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.

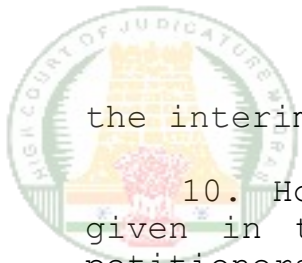
5. It is now stated that all the petitioners have vacated the premises before the date fixed and also filed an affidavit of undertaking to that effect. Hence, the impugned order has become infructuous insofar as the vacation of premises is concerned.

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



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.

11. With the above directions, the writ petitions are disposed of. No Costs.

Sd/-

Assistant Registrar (AD I)

// True Copy //

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Sub Assistant Registrar(CS)

vsn

To:

1. The District Collector,
Sivagangai,
Sivagangai District.

2. The Director of Town Panchayats,
4th Floor, Kuralagam,
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3. The Executive Officer,
Tiruppattur Town Panchayat (Selection Grade),
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Sivagangai District.

+5 CC to M/s. S. KAMESWARAN, Advocate (SR-9210[F] to 9214 dated 28/02/2020)

+1 CC to M/s. SPL.GP (SR-9606[F] dated 02/03/2020)

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