



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD) Nos.3448,3568 &3827 of 2021

and W.M.P. (MD) Nos.2796, 2797, 2894, 2895, 3042 & 3043 of 2021

(Through Video Conference)

1) Dullas ... Petitioner in W.P. (MD)
No.3448 of 2021

2) Sujatha ... Petitioner in W.P. (MD)
No.3568 of 2021

3) Saroja ... Petitioner in W.P. (MD)
No.3827 of 2021

Vs.

1. The District Collector,
Kanyakumari District,
Kanyakumari.

2. The Assistant Director of Town Panchayat,
Nagercoil Region,
Kanyakumari District.

3. The Executive Officer,
Thingalnagar Selection
Grade Town Panchayat,
Kanyakumari District.

... Respondents in all W.P.'s

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned notice in Na.Ka.No.142/2017/A2 dated 05.02.2021 on the file of the 3rd Respondent in so far as shop nos.5,18 & 17 are concerned, respectfully and quash the same and further directing the Respondents to allot shops in New Panchayat Building constructed in New Kamarajar Bus stand, Thingalnagar to the petitioner by considering their representations dated 14.02.2021.

For Petitioners : Mr.K.Jeyamohan
in all W.P.'s For Mr.K.Prabhu

In W.P. (MD) No.3448 of 2021:

For RR 1 & 2 : Mr.P.Mahendran,
Additional Government Pleader



For R-3 : Mr.A.Thilagar,
Government Advocate

In W.P. (MD) No.3568 of 2021:

WEB COPY

For RR 1 & 2 : Mr.S.Angappan,
Government Advocate

For R-3 : Mr.A.Thilagar,
Government Advocate

In W.P. (MD) No.3827 of 2021:

For RR 1 & 2 : M/s.M.Rajeswari,
Additional Government Pleader

For R-3 : Mr.M.Jeyakumar
Government Advocate

C O M M O N O R D E R

The issues involved in all these writ petitions are common and hence, they are heard and disposed of through this common order.

2. The subject matter of challenge in all these writ petitions is the impugned tender notice issued by the third respondent dated 05.02.2021 and for a consequential direction to the respondents to allot shops to each of the petitioners in the new building that has been constructed in the New Kamarajar Bus stand, Thingalnagar.

3. The case of the petitioners is that they were running a bakery shop/ sweet shop in the old building and were paying the rent regularly. They were informed by the third respondent that the building is going to be demolished and a new building complex will be constructed and at that point of time, they will be considered for allotment of shops in the new premises. After the construction of the new building complex, the petitioners made representations to the third respondent to allot shops. The same was not considered and in the meantime, a tender notification was also issued by the third respondent. Aggrieved by the same, these writ petitions have been filed before this Court.

4. The learned Additional Government Pleader and learned Government Advocate appearing on behalf of the respondents in all these writ petitions submitted that the third respondent has recalled the tender notification called for and therefore, the



learned counsel requested this Court to record the same and close all these writ petitions.

5. The learned counsel for the petitioners submitted that the representations made by the petitioners requesting for allotment of shops is pending before the third respondent and the third respondent may be directed to consider the representations, within a time limit stipulated by this Court.

6. Heard Mr.K.Jeyamohan, learned counsel appearing for the petitioners and the learned Additional Government Pleader and learned Government Advocate appearing on behalf of the respondents in all these writ petitions.

7. The main relief that was sought for in these writ petitions do not survive since the tender notification has been recalled by the third respondent. The petitioners have made representations to the third respondent for allotment of shops in the new building complex and the same is pending. In view of the above, there shall be a direction to the third respondent to consider the representations made by the petitioners on 14.02.2021 and deal with the same on its own merits and in accordance with law and take a decision, within a period of six(06) weeks from the date of receipt of a copy of this order.

8. The petitioners are directed to make fresh representations to the third respondent along with a copy of this order. All these writ petitions stands disposed of with the above direction. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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NOTE: *In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.*

<https://hcservices.ecourts.gov.in/hcservices/>



To:

1. The District Collector,
Kanyakumari District,
Kanyakumari.

2. The Assistant Director of Town Panchayat,
Nagercoil Region,
Kanyakumari District.

3. The Executive Officer,
Thingalnagar Selection
Grade Town Panchayat,
Kanyakumari District.

+1 CC to MR.K.PRABHU, Advocate (SR-16080[F] dated 16/04/2021)

+1 CC to SPL GP (SR-16320, 15991, 15998[F] dated 17/04/2021)

Common Order made in
W.P. (MD) Nos.3448,3568 & 3827 of 2021

Dated:
15.04.2021

KM (17.05.2021) 4P 6C