



WEB COPY

W.P.(MD).No.15529 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.07.2021

CORAM:

The Hon'ble Mr.JUSTICE T.S.SIVAGNANAM

AND

The Hon'ble Mrs.JUSTICE S.ANANTHI

W.P. (MD) .No.15529 of 2020

and

W.M.P. (MD) No.13041 of 2020

Anna Perunthu Nilaya Vattara Viyabarigal Nala Sangam,

Reg.No.101/2006,

Represented by its President,

N.K.Annarajan

S/o.Krishnasamy Nadar,

118/1, Palayamkottai Road,

Anna Bus Stand,

Thoothukudi.

...Petitioner

Vs.

1.The Commissioner,

Thoothukudi Corporation,

Thoothukudi District,

2.The District Collector

Thoothukudi District,

Thoothukudi.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of writ of Mandamus, forbearing the respondents from demanding any rent from the temporary ground space allotted to the vendors / licensees of the Old Bus Stand, Thoothukudi, during the period of construction of the Bus Stand under smart city project.

For Petitioner : Mr.G.Prabhu Rajadurai

For 1st Respondent : Mr.Saji Bino,
Standing Counsel

For 2nd Respondent : Mr.A.K.Manikkam,
Standing Counsel for Government

O R D E R

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

<https://hcservices.ecourts.gov.in/hcscservices/> We have heard Mr.G.Prabhu Rajadurai, learned counsel



appearing for the petitioner, Mr.Saji Bino, learned Standing Counsel appearing for the first respondent and Mr.A.K.Manikkam, learned Standing Counsel for Government appearing for the second respondent.

2.The petitioner seeks for a direction to forbear the respondents from demanding any rent from the temporary ground space allotted to the vendors / licensees of the Old Bus Stand, Thoothukudi, during the period of construction of the Bus Stand under smart city project.

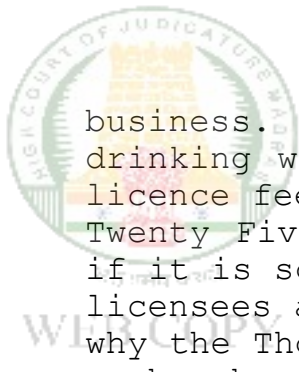
3.Admittedly, as on date, an alternate accommodation has already been provided. The saddest part is a School playground has been utilised for housing the temporary shops to the licensees in the Old Bus Stand, Thoothukudi. Time and again, Courts have held that play ground and common areas should not be used for any other purposes. Unfortunately, the District Administration has taken such a decision and used the School playground for providing alternate accommodation to the licensees of the Old Bus Stand, Thoothukudi.

4.We are informed by the learned Standing Counsel for the first respondent Corporation that earlier the same School playground was used for making a temporary Helipad for a VVIP to land in Thoothukudi and the School playground is also given by the District Administration for Public meetings and it is not known whether it is given for political meetings.

5.We are further informed that the School playground was resumed by the Government, because the playground was not utilized. Unless and until the Government and the District Administration can take steps to ensure that sufficient number of students joined in the SAV School, the playground will obviously remain un-utilised. So, therefore, the entire blame has to be shifted on the District Administration and the Educational Authorities.

6.Furthermore, the educational institution has challenged the order of resumption of the land and it is stated that the writ petition is pending before this Court. A public meeting will be conducted for a few hours in a day and Helicopter may land and leave within a few hours. But shifting a market to the School playground is a most ridiculous move on the part of the District Administration.

7. The learned counsel for the first respondent Corporation submitted that 59 temporary shops have been allotted and from 01.07.2019, the licensees of the Old Bus Stand, are carrying on



business. They have been provided electricity service connection, drinking water facilities, but none of the licensees have paid the licence fees and arrears of Rs.75,25,730/- (Rupees Seventy Five Lakh Twenty Five Thousand Seven Hundred and Thirty) is due and payable, if it is so unless and until the Government grants an exemption, the licensees are bound to pay the licence fee and it is not known as to why the Thoothukudi Corporation, has not initiated action inspite of such a huge default.

8. We are yet to believe that there may be some sort of collusion between the elected representatives of the council and the traders. Less said, the better.

9.It is further submitted by the learned counsel for the first respondent Corporation that demand notices have been issued to the individual licensees. However, the present petitioner is an association, which cannot challenge the individual demand notices.

10.Since the relief sought for by the petitioner has already been redressed, no further orders are required in this writ petition. So far as the ground rent is concerned, no blanket direction has been granted and the alternate accommodation would mean that the traders have to pay licence fee, but taking into consideration the Covid -19 situation, the Corporation can grant certain concession.

11. With the above observation, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS II)

// 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.



To

1.The Commissioner,
Thoothukudi Corporation,
Thoothukudi District.

2.The District Collector
Thoothukudi District,
Thoothukudi.

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-24163[F] dated
28/07/2021)

+1 CC to M/s.SPL GP (SR-24365[F] dated 29/07/2021)

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MGJ(05.08.2021) 4P 5C