



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.02.2022

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P(MD).No.3326 of 2022

WEB COPY

Y.Mustafa

.. Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Commissioner,
Tirunelveli Corporation,
S.N.High Road,
Tirunelveli - 627 001.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the respondents herein to issue a copy of the proposed plan in respect of the construction of the shops at Mahatma Gandhi Market, Palayamkottai, Tirunelveli District, under the Tirunelveli Smart City Project, on the basis of the petitioner's representation dated 24.01.2022.

For Petitioner : Mr.V.Balaji

For Respondents : Mr.M.Lingadurai

Special Government Pleader for R1

Mr.SP.Maharajan

Standing Counsel for R2

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to issue a copy of the proposed plan in respect of the construction of the shops at Mahatma Gandhi Market, Palayamkottai, Tirunelveli District, under the Tirunelveli Smart City Project, based on the petitioner's representation dated 24.01.2022, within a time frame to be fixed by this Court.

2.It is the case of the petitioner that he is a lessee of one of the shops in the Mahatma Gandhi Market, Palayamkottai, Tirunelveli District, which is proposed to be demolished for the purpose of constructing a new market under the Tirunelveli Smart City Project. The apprehension of the petitioner is that the new construction will not be put up to his expectations as according to him, once the new building is completed, he will be allotted a shop in the new building complex by the respondents. In such circumstances, he has given a representation dated 24.01.2022, requesting for a copy of the proposed plan of the Tirunelveli Smart



City Project. Since the same has not been considered, he has filed this writ petition.

3.Heard Mr.V.Balaji, learned counsel for the petitioner, Mr.M.Lingadurai, learned Special Government Pleader, who accepts notice on behalf of the first respondent and Mr.S.P.Maharajan, learned Standing Counsel, who accepts notice on behalf of the second respondent.

4.By consent of both parties, this writ petition is taken for final hearing at the admission stage itself.

4.Mr.S.P.Maharajan, learned Standing counsel for the second respondent, on instructions, would submit that the petitioner and the other occupants of Mahatma Gandhi Market, who are given eviction notices, have challenged the same before this Court and the same was dismissed with a direction to complete the new project as early as possible. He would also submit on instructions, that the second respondent has agreed to provide alternate accommodations to the occupants. But despite the same, the petitioner and the other occupants have not occupied the new place offered by the second respondent. The contention of the learned Standing counsel for the second respondent, however, is disputed by the learned counsel for the petitioner.

5.However, this Court is of the view that no prejudice will be caused to the respondents if the petitioner's representation dated 24.01.2022, seeking for a copy of the proposed plan of the Tirunelveli Smart City Project, is considered on merits and in accordance with law.

6.For the foregoing reasons, this Court directs the second respondent to consider the petitioner's representation dated 24.01.2022, seeking for a copy of the proposed plan in respect of the construction of shops at Mahatma Gandhi Market, Palayamkottai, Tirunelveli District, under the Tirunelveli Smart City Project and pass final orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

7.With the aforesaid directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



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 District Collector,
Tirunelveli District,
Tirunelveli.

2.The Commissioner,
Tirunelveli Corporation,
S.N.High Road,
Tirunelveli - 627 001.

+1 CC to M/s.S.P.MAHARAJAN, Advocate (SR-7833[F] dated 22/02/2022)

+1 CC to M/s.SPL GP (SR-8330[F] dated 24/02/2022)

+1 CC to M/s.V.BALAJI, Advocate (SR-8483[F] dated 24/02/2022)

**W.P (MD) .No.3326 of 2022
22.02.2022**

MK(05.03.2022) 3P 6C