

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED 15.11.2022**

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN**W.P(MD)Nos.22034 to 22037 of 2022**

- | | |
|-----------------|--|
| 1.M.Veeraiah | ..Petitioner in W.P(MD)No.22034 of 2022 |
| 2.M.Palaniappan | ...Petitioner in W.P(MD)No.22035 of 2022 |
| 3.M.Dhanapal | ...Petitioner in W.P(MD)No.22036 of 2022 |
| 4.T.Saravanan | ...Petitioner in W.PMD)No.22037 of 2022 |

Vs

- | | |
|--|----------------------------|
| 1.The Commissioner,
Pudukkottai Municipality,
Pudukkottai. | |
| 2.The Chairman,
Pudukkottai Municipality,
Pudukkottai. | ..Respondents in all W.Ps' |

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to hand over the possession of Shop Nos.7,1,2&3 and 6 at T.V.S.Corner Fish Market, Pudukkottai belonging to the Pudukkottai Municipality and to permit the Petitioners to conduct Fish Shops as per the lease license in Na.Ka.No.3137/2020/A4, dated 11.11.2020 issued by the first respondent herein by considering the representation, dated 4.7.2022 given by the Writ Petitioners.

For Petitioner :Mr.AL.Kannan
in all W.Ps'



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For Respondents: Mr. S. Kameswaran
1 and 2 in all W.Ps' Standing Counsel

COMMON ORDER

The Petitioners have filed these Writ Petitions seeking issuance of a Writ of Mandamus directing the respondents to hand over the possession of Shop Nos. 7, 1, 2 & 3 and 6 at T.V.S. Corner Fish Market, Pudukkottai belonging to the Pudukkottai Municipality and to permit the Petitioners to conduct Fish Shops as per the lease license in Na.Ka.No.3137/2020/A4, dated 11.11.2020 issued by the first respondent herein, by considering the representation, dated 4.7.2022 given by the Writ Petitioners.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. The case of the Petitioners is that they are fish merchants by profession and they have engaged in this business ancestrally and their families depend on the income arising out of the said business. Since there is no permanent fish shops in and around TVS Corner, the Petitioners made a request to the respondents Municipality to have proper fish shops nearby TVS Corner, with all facilities. Considering the said request, the respondents Municipality earmarked the land situated nearby TVS Corner for constructing fish shops and the same was approved by the respondents Municipality and sanction was accorded to construct a "



New Modern Hygienic Model Wholesale cum Retail Fish Market" in the said place, consisting of 13 shops. Whiles, the respondents Municipality called for Public Auction Notice, dated 23.10.2020 calling for applications from the interested persons for conducting fish shops at the newly constructed fish market. The Petitioners have participated in the said public auction and they were declared as successful bidders in respect of the shops as afore-mentioned. The first respondent also granted lease license by proceedings, dated 11.11.2020 and fixed a sum of Rs.6150/- as monthly rent for each shop and also as per terms and conditions deposited a sum of Rs.3 lakhs as deposit. However, the possession of the said shops has not been handed over to the Petitioners stating the reason of Covid-19 pandemic. Despite lapse of more than 2 years, the respondents did not come forward to hand over the possession of the shops in question to the Petitioners. However, daily fish merchants, without any proper permission, are permitted to run the fish shops in open place in public road blocking the road causing much difficulties to the general public and traffic. Hence the Petitioners have submitted representation on 4.7.2022 to the respondents explaining the above facts and requested them to hand over possession of the shops in question to the Petitioners. Since the said request and representation was not considered, the Petitioners have filed these Writ Petitions for the relief stated supra.



4.The learned Standing Counsel appearing for the respondents/Municipality would submit that the said fish market was constructed in TVS Corner area with 13 shops and on 10.11.2020, auction was conducted for 12 shops and allotments were made on 30.7.2021, which has been confirmed by the council of the respondents/Municipality in Agenda Nos.194 and 195. The successful bidders have paid the necessary amount and the lease licence has been granted on 11.11.2020 in Na.Ka.No.3137/2020/A4, dated 11.11.2020. When the fish market was ready for occupation, the general public started objecting for running of the same stating that due to the functioning of fish market in that place huge traffic in that area causing hardship to the general public and also the traffic and they have further complained to the District Collector and other higher officials of the District Administration and therefore, the highest bidders could not conduct the sale in the said fish market. The Revenue Divisional Officer and the Tahsildar concerned called for a Peace Committee Meeting and no body came to the said meeting but still they have made objections for running the fish market in the said place. However, the authorities would state that they have no objection for running the said fish market. They would further submit that the shops are in open area with roof. The authorities have further stated that they have no objection for the highest bidders to occupy the respective shops and run the same.



5. In view of the above submission, the respondents/Municipality is directed to open the said fish market situated at TVS Corner, Pudukkottai on or before 30.11.2022 and on such opening, the Petitioners herein, who are the successful bidders, are directed to run their respective shops, for which, they have been granted the lease licence by the respondents.

6. With the above directions, these Writ Petitions stand disposed of.
No costs.

15.11.2022

Index : Yes/No

Internet: Yes/No

vsn

To

1. The Commissioner,
Pudukkottai Municipality,
Pudukkottai.

2. The Chairman,
Pudukkottai Municipality,
Pudukkottai.



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V.BHAVANI SUBBAROYAN,J
vsn

ORDER MADE IN

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