



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.02.2023

CORAM

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THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)Nos.580, 1171 to 1180, 1502 to 1511, 1647 to 1676, 1209 to 1219, 1317 to 1326, 1365 to 1372, 1772 to 1780, 1799 to 1808, 2223 to 2238, 2355 to 2358, 2618 to 2626, 2630 to 2642 of 2023

and

WMP(MD)No.578, 1075, 1076, 1078, 1080 to 1086, 1120 to 1125, 1127, 1129, 1130, 1132, 1133, 1206 to 1209, 1213, 1218, 1220, 1221, 1223, 1224, 1251 to 1256, 1259 to 1261, 1368 to 1373, 1375, 1376, 1381, 1383, 1486 to 1489, 1491 to 1506, 1508 to 1513, 1515 to 1517, 1519, 1572, 1573, 1575 to 1581, 1591 to 1597, 1599 to 1601, 1999 to 2002, 2006, 2008 to 2014, 2016 to 2018, 2026, 2132 to 2135, 2375 to 2383 & 2399 to 2411 of 2023

Sivajirajan ... Petitioner in WP(MD)No.580 of 2023
Ayyampandi ... Petitioner in WP(MD). 1171/ 2023
Ayyadurai ... Petitioner in WP(MD). 1172/ 2023
Sermathiraja ... Petitioner in WP(MD). 1173/ 2023
Kamaraj ... Petitioner in WP(MD). 1174/ 2023
Kaliyapparaj ... Petitioner in WP(MD). 1175/ 2023
Nambirajan ... Petitioner in WP(MD). 1176/ 2023
Shenbagaraj ... Petitioner in WP(MD). 1177/ 2023
Nambirajan ... Petitioner in WP(MD). 1178/ 2023
Muthuraj ... Petitioner in WP(MD). 1179/ 2023
Dhanapal ... Petitioner in WP(MD). 1180/ 2023
Anthonysamy ... Petitioner in WP(MD). 1502/ 2023
Shenbagaraj ... Petitioner in WP(MD). 1503/ 2023
Amutha ... Petitioner in WP(MD). 1504/ 2023
Murugan ... Petitioner in WP(MD). 1505/ 2023
Jahir Hussain ... Petitioner in WP(MD). 1506/ 2023
Rajendran ... Petitioner in WP(MD). 1507/ 2023
Narayanan ... Petitioner in WP(MD). 1508/ 2023
Prabhakaran ... Petitioner in WP(MD). 1509/ 2023
Anthonysamy ... Petitioner in WP(MD). 1510/ 2023
Gandhiraj ... Petitioner in WP(MD). 1511/ 2023

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Ramkumar ... Petitioner in WP(MD). 1647/ 2023
Kannan ... Petitioner in WP(MD). 1648, 1649,
1651, 1652, 1661, 1662 & 1665/ 2023
Jeyaraj ... Petitioner in WP(MD). 1650/ 2023
Asha Magadaline ... Petitioner in WP(MD). 1653/ 2023
Suresh ... Petitioner in WP(MD). 1654/ 2023
Kasimariappan ... Petitioner in WP(MD). 1655/ 2023
Muniyasamy ... Petitioner in WP(MD). 1656/ 2023
Kasimariappan ... Petitioner in WP(MD). 1657&1658/ 2023
John Sundarrajan ... Petitioner in WP(MD). 1659/ 2023
Vijayalakshmi ... Petitioner in WP(MD). 1660/ 2023
Selvarani ... Petitioner in WP(MD). 1663/ 2023
Rajamani ... Petitioner in WP(MD). 1664/ 2023
Ilayaraja ... Petitioner in WP(MD). 1666/ 2023
V.S.M.Kannan ... Petitioner in WP(MD). 1667/ 2023
Thalamuthu ... Petitioner in WP(MD). 1668/ 2023
Murugesapandian ... Petitioner in WP(MD). 1669/ 2023
Kannan ... Petitioner in WP(MD). 1670/ 2023
Mariappan ... Petitioner in WP(MD). 1671/ 2023
Murugan ... Petitioner in WP(MD). 1672/ 2023
Selvakumar ... Petitioner in WP(MD). 1673/ 2023
Kannan ... Petitioner in WP(MD). 1674/ 2023
Paramasiva Pandian ... Petitioner in WP(MD). 1675/ 2023
Muraliganesh ... Petitioner in WP(MD). 1676/ 2023
Suganthi ... Petitioner in WP(MD). 1209/ 2023
Velayutham ... Petitioner in WP(MD). 1210/ 2023
Muthuraj ... Petitioner in WP(MD). 1211/ 2023
Krishnamoorthy ... Petitioner in WP(MD). 1212/ 2023
Saravanadurai ... Petitioner in WP(MD). 1213/ 2023
Shenbagaraj ... Petitioner in WP(MD). 1214 & 1218/ 2023
Muthuraj ... Petitioner in WP(MD). 1215/ 2023
Muthuselvam ... Petitioner in WP(MD). 1216/ 2023
Krishnamoorthy ... Petitioner in WP(MD). 1217/ 2023
Ayyadurai ... Petitioner in WP(MD). 1219/ 2023
Janarthanan ... Petitioner in WP(MD). 1317/ 2023
Prabhakaran ... Petitioner in WP(MD). 1318/ 2023



Prakash ... Petitioner in WP(MD). 1319/ 2023
Sivananthaperumal ... Petitioner in WP(MD). 1320/ 2023
Paramasiva Pandian ... Petitioner in WP(MD). 1321/ 2023
Prameshwari ... Petitioner in WP(MD). 1322/ 2023
Neethirajan ... Petitioner in WP(MD). 1323/ 2023
Chandra Bose ... Petitioner in WP(MD). 1324/ 2023
Karuppasamy ... Petitioner in WP(MD). 1325/ 2023
Neethirajan ... Petitioner in WP(MD). 1326/ 2023
Ashok Kumar ... Petitioner in WP(MD). 1365/ 2023
Selvakumar ... Petitioner in WP(MD). 1366/ 2023
Ayyampandi ... Petitioner in WP(MD). 1367/ 2023
Prakash ... Petitioner in WP(MD). 1368/ 2023
Kadarkarai ... Petitioner in WP(MD). 1369/ 2023
Chandra ... Petitioner in WP(MD). 1370/ 2023
Rajalingam ... Petitioner in WP(MD). 1371/ 2023
Rajendran ... Petitioner in WP(MD). 1372/ 2023
Parvathi ... Petitioner in WP(MD). 1772/ 2023
Ramkumar ... Petitioner in WP(MD). 1773 & 1779 / 2023
Rajendran ... Petitioner in WP(MD). 1774/ 2023
A.Chandran ... Petitioner in WP(MD). 1775/ 2023
Madasamy ... Petitioner in WP(MD). 1776/ 2023
Kirubarajan ... Petitioner in WP(MD). 1777/ 2023
Madhankumar ... Petitioner in WP(MD). 1778/ 2023
Jeyarajan ... Petitioner in WP(MD). 1780/ 2023
Ramkumar ... Petitioner in WP(MD). 1799/ 2023
Alagurajan ... Petitioner in WP(MD). 1800/ 2023
Muthuraj ... Petitioner in WP(MD). 1801/ 2023
Krishnammal ... Petitioner in WP(MD). 1802/ 2023
Petchimuthu Vignesh... Petitioner in WP(MD). 1803/ 2023
Ramesh ... Petitioner in WP(MD). 1804/ 2023
Arumugasamy ... Petitioner in WP(MD). 1805/ 2023
Chinnamadasamy ... Petitioner in WP(MD). 1806/ 2023
Saraswathi ... Petitioner in WP(MD). 1807/ 2023
Petchimuthu Vignesh ... Petitioner in WP(MD). 1808/ 2023



Anthonyysamy	... Petitioner in WP (MD) . 2223/ 2023
Palaniselvam	... Petitioner in WP (MD) . 2224/ 2023
Saratha	... Petitioner in WP (MD) . 2225/ 2023
Sureshkumar	... Petitioner in WP (MD) . 2226/ 2023
Ponmariyammal	... Petitioner in WP (MD) . 2227/ 2023
Parthiban	... Petitioner in WP (MD) . 2228/ 2023
Mariswaran	... Petitioner in WP (MD) . 2229/ 2023
Manthirammoorthy	... Petitioner in WP (MD) . 2230/ 2023
Rajagopal	... Petitioner in WP (MD) . 2231/ 2023
Rajesh	... Petitioner in WP (MD) . 2232/ 2023
Rajaram	... Petitioner in WP (MD) . 2233/ 2023
Rajan	... Petitioner in WP (MD) . 2234/ 2023
Paramasivapandian	... Petitioner in WP (MD) . 2235/ 2023
Anbalahan	... Petitioner in WP (MD) . 2236/ 2023
Gurusamy Nadar	... Petitioner in WP (MD) . 2237/ 2023
Madasamy	... Petitioner in WP (MD) . 2238/ 2023
Mahendraraja	... Petitioner in WP (MD) . 2355/ 2023
Karuppasamy M	... Petitioner in WP (MD) . 2356/ 2023
Ramesh	... Petitioner in WP (MD) . 2357/ 2023
Paramasivapandian	... Petitioner in WP (MD) . 2358/ 2023
Alaguraja	... Petitioner in WP (MD) . 2618/ 2023
Kannan	... Petitioner in WP (MD) . 2619/ 2023
Dharmar	... Petitioner in WP (MD) . 2620/ 2023
Kani	... Petitioner in WP (MD) . 2621/ 2023
Jeganath	... Petitioner in WP (MD) . 2622/ 2023
Ramamoorthy	... Petitioner in WP (MD) . 2623/ 2023
Murugesan	... Petitioner in WP (MD) . 2624/ 2023
Vallatharasu	... Petitioner in WP (MD) . 2625/ 2023
Kani	... Petitioner in WP (MD) . 2626/ 2023
Palani Eswari	... Petitioner in WP (MD) . 2630/ 2023
Paulraj	... Petitioner in WP (MD) . 2631/ 2023
Senthurpandi	... Petitioner in WP (MD) . 2632/ 2023
Vaitheeswaran	... Petitioner in WP (MD) . 2633/ 2023
Shanmugakani	... Petitioner in WP (MD) . 2634/ 2023
Thangamariappan	... Petitioner in WP (MD) . 2635/ 2023
Perivasamy	... Petitioner in WP (MD) . 2636/ 2023



Palanimurugan ... Petitioner in WP(MD). 2637/ 2023
Karthick ... Petitioner in WP(MD). 2638/ 2023
Karunakaran ... Petitioner in WP(MD). 2639/ 2023
Shanmugakani ... Petitioner in WP(MD). 2640/ 2023
Vignesh Kumar ... Petitioner in WP(MD). 2641/ 2023
Ayyadurai ... Petitioner in WP(MD). 2642/ 2023

vs

1.The Secretary to Government,
Municipal Administration and
Water Supply Department,
Secretariat, Chennai.

2.The Commissioner,
Kovilpatti Municipality,
Kovilpatti, Thoothukudi District. ... Respondents in all WPs

Prayer in WP(MD).No. 580 of 2023 : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the second respondent in his proceedings in Na.Ka.No.9856/2020/A3 dated 02.01.2023 shop No 118 and quash the same and pass such further or other orders as this Court may deem fit and proper in the circumstance of the cases and thus render justice.

Common Prayer in WP(MD). Nos. 1171 to 1180/ 2023 :

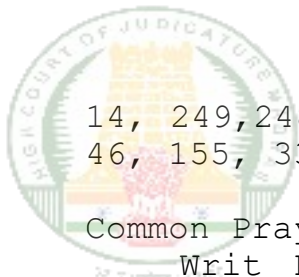
Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records pertaining to the impugned order passed by the 2nd respondent in his proceedings in Na.Ka.No.9856/2020/A3, dated 02.01.2023 Shop Nos. 07,339,24,89,335,100,101,85,91,& 41 quash the same.

Common Prayer in WP(MD).Nos. 1502 to 1511/ 2023 :

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records pertaining to the impugned order passed by the 2nd respondent in his proceedings in Na.Ka.No.9856/2020/A3, dated 02.01.2023 Shop Nos. 323, 88, 221, 321, 364, 152, 51, 380, 322 & 25 respectively and quash the same.

Common Prayer in WP(MD). Nos. 1647 to 1676/ 2023 :

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records pertaining to the impugned order passed by the 2nd respondent in his proceedings in Na.Ka.No.9856/2020/A3, dated 02.01.2023 Shop Nos. 277, 260, 267, 48, 261, 262, 343, 203, 250,



14, 249, 248 22 , 276, 246, 253, 196, 49, 252, 67, 259, 62, 46, 155, 33, 244, 04 & 247 respectively and quash the same.

Common Prayer in WP(MD). Nos. 1209 to 1219/ 2023 :

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records pertaining to the impugned order passed by the 2nd respondent in his proceedings in Na.Ka.No.9856/2020/A3, dated 02.01.2023 (Shop Nos. 251, 108, 92, 2, 10, 93, 90, 45, 1, 84 & 340 respectively) and quash the same.

Common Prayer in WP(MD).Nos. 1317 to 1326/ 2023 :

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records pertaining to the impugned order passed by the 2nd respondent in his proceedings in Na.Ka.No.9856/2020/A3, dated 02.01.2023 Shop Nos. 39, 148, 35, 40, 5, 32, 58, 28, 43, & 11, respectively and quash the same.

Common Prayer in WP(MD). Nos. 1365 to 1372/ 2023 :

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records pertaining to the impugned order passed by the 2nd respondent in his proceedings in Na.Ka.No.9856/2020/A3, dated 02.01.2023 Shop Nos. 30, 266, 105, 107, 116, 23, 381 & 151 respectively and quash the same.

Common Prayer in WP(MD).Nos. 1772 to 1780/ 2023 :

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records pertaining to the impugned order passed by the 2nd respondent in his proceedings in Na.Ka.No.9856/2020/A3, dated 02.01.2023 Shop Nos. 54, 36, 151, 263, 194, 26, 140, 269 & 83 respectively and quash the same.

Common Prayer in WP(MD).Nos. 1799 to 1808/ 2023 :

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records pertaining to the impugned order passed by the 2nd respondent in his proceedings in Na.Ka.No.9856/2020/A3, dated 02.01.2023 Shop Nos. 270, 4 , 91, 31, 205, 138, 79, 133, 47 & 197 respectively and quash the same.

Common Prayer in WP(MD). Nos. 2223 to 2238 / 2023 :

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records pertaining to the impugned order passed by the 2nd respondent in his proceedings in Na.Ka.No.9856/2020/A3, dated 02.01.2023 Shop Nos. 109, 286, 363, 273, 5, 305, 284, 8, 362, 173, 278, 81, 4, 59, 165 & 211 respectively and quash the same.



Common Prayer in WP(MD). Nos. 2355 to 2358 / 2023 :

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records pertaining to the impugned order passed by the 2nd respondent in his proceedings in Na.Ka.No.9856/2020/A3, dated 02.01.2023 Shop Nos.308, 106, 125 & 5 respectively and quash the same.

Common Prayer in WP(MD).Nos. 2618 to 2624 and 2626/ 2023 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records pertaining to the impugned order passed by the 2nd respondent in his proceedings in Na.Ka.No.9856/2020/A3, dated 02.01.2023 (Shop Nos. 86, 2, 52, 80, 3, 379, 44 and 126 respectively) and quash the same.

Prayer in WP(MD). 2625/ 2023 :

Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus forbearing the 2nd respondent from sealing and demolishing the petitioners Shop No. 17 situated at Daily Market, Kovilpatti, Thoothukudi District till allotment of alternative shop vide his representation dated 26.01.2023 .

Common Prayer in WP(MD). Nos.2630 to 2642/ 2023 :

Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus forbearing the 2nd respondent from sealing and demolishing the petitioners Shop Nos.213, 19, 238, 256, 218, 219, 350, 115, 212, 345, 217, 21 and 344 respectively situated at Daily Market, Kovilpatti, Thoothukudi District till allotment of alternative shop vide his representation dated 26.01.2023.

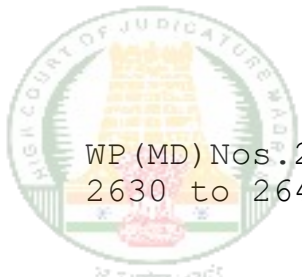
For petitioners in all cases : Mr.S.Parthasarathy
for Mr.V.Malaiyendran

For Respondent No.1
in WP(MD)Nos.580, 1317 to 1326,
2223 to 2238 of 2023 : Mr.B.Saravanan,
Additional Government Pleader

WP(MD)Nos.1171 to 1180,
1365 to 1372, 1799 to 1808,
2355 to 2358 of 2023 : Mr.A.K.Manikam,
Special Government Pleader

WP(MD)Nos.1209 to 1219,
1772 to 1780 of 2023 : Mr.G.Suriyanath,
Additional Government Pleader

WP(MD)Nos.1502 to 1511,
1647 to 1676 of 2023 : Mr.M.Lingadurai,



WP (MD) Nos. 2618 to 2626,
2630 to 2642 of 2023

Special Government Pleader

: Mr. M. Siddharthan,
Additional Government Pleader



For Respondents No. 2 in all cases : Mr. P. Srinivas for R2

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COMMON ORDER

Heard the learned counsel on either side.

2. The petitioners are licensees occupying shops allotted to them by Kovilpatti Municipality. The Municipality has now proposed to construct a building under Kalaignar Nagarpura Membattu Thittam. The estimated cost is Rs. 6.87 crores. In order to operationalise the scheme, the existing occupants have been called upon to vacate their respective premises. Eight days notice alone was given. Aggrieved by the same, the petitioners have filed these writ petitions.

3. The learned counsel appearing for the petitioners reiterated all the contentions set out in the affidavits filed in support of the respective writ petitions and called upon this Court to grant relief as prayed for.

4. Though I am able to appreciate the plight of the petitioners herein, this Court will not be justified in preventing the local body from putting up a new construction in the place of existing one. It is seen that the scheme has been implemented by the local bodies across the State. My attention has been drawn to an earlier order dated 11.01.2023 made in WP No. 35018 of 2022 by a learned Judge of this Court. The learned Judge while permitting the local body to go ahead with the auction proceedings had permitted the members of the petitioner association to continue to remain in possession of the allotted premises till 31.03.2023 and thereafter vacate and hand over possession to the local body to enable them to construct a new building.

5. I am of the view that a similar approach can be adopted in this case also. The first relief I can grant to the petitioners is that they can remain in possession of the existing premises till 31.03.2023. They have to necessarily vacate and hand over possession on or **(*)before** 01.04.2023. It appears that during the pendency of the writ petitions, the Municipality called for a meeting of all the stakeholders. The municipality has identified the premises of new bus stand at Kovilpatti as the alternative site for accommodating the petitioners for the interregnum period. Draw of lots was held. Nine persons appear to have been allotted. In these circumstances, these writ petitions are disposed of with the



following directions :

a) I direct the Kovilpatti Municipality to conduct a fresh draw of lots for all the occupants for accommodating them in the new bus stand premises at Kovilpatti. The new bus stand can be divided into two parts : The built up area and the vacant site. It appears that already 140 shops have been earmarked in the built up area.

b) The petitioners herein and the 9 persons who have already been allotted can take part in the draw of lots for the built up area at new bus stand premises, Kovilpatti.

c) Preference can given to those who were running provisional store and medical shops. Appropriate rent shall also be fixed accordingly.

d) The respondent municipality is directed to provide basic amenities so that the petitioners herein can carry on their business activities as before. In other words, the local body will have to ensure that appropriate arrangements are made for sanitation, water supply, electricity supply, street lights and security.

e) The local body will issue formal proceedings addressed to all the petitioners herein permitting them to move to the alternative site.

f) The petitioners can very well form an association or body and take charge of putting up a temporary structures in the vacant site at new bus stand premises for the intervening period.

g) The learned standing counsel states that work orders have already been issued for putting up the new construction. It will be commenced in the first week of April 2023 and concluded by the end of October 2023. The Contractor is directed to adhere to this time schedule.

h) After the new construction is put up, public auction shall be conducted for all the new shops one by one. The petitioners can also take part in the said public auction. The petitioners herein who are the existing licensees will be given preference and priority in the sense that if they match the highest bid or offer, they will be allotted respective shops.

i) If there is no consensus among the petitioners, there shall be competitive bidding among the petitioners. However, only those who have cleared all the arrears payable to the local body as on 31.03.2023 will be given the



said preference.

j) Public auction will be conducted in a transparent manner. The entire proceedings will be duly videographed.

k) All other aspects are left to the discretion of the local body. It is open to the Municipal Commissioner to evolve appropriate formula for resolving the issue.

No costs. Connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

(*)Corrected as per the order of this Court dated 23.02.2023 made in WP(MD)580 of 2023

Sd/-

Assistant Registrar(CO)

// True Copy //

/03/2023

Sub Assistant Registrar(CS)

SKM

To

(*)To be substituted to this order already despatched on 16/02/2023

1.The Secretary to Government,
Municipal Administration and
Water Supply Department,
Secretariat, Chennai.

2.The Commissioner,
Kovilpatti Municipality, Kovilpatti, Thoothukudi District.

+1 CC to M/s.SPL.GP (SR-7879[F], 7835, 7836, 7837, 7855, 7856, 7878 dated 13/02/2023)

+3 CC to M/s.P.SRINIVAS, Advocate (SR-7787[F] dated 13/02/2023)

+20CC to Mr.V.Malaiyendran, Advocate, SR.No. 2020 and 2021

W.P(MD)Nos.580, 1171 to 1180, 1502 to 1511,
1647 to 1676, 1209 to 1219, 1317 to 1326, 1365 to 1372,
1772 to 1780, 1799 to 1808, 2223 to 2238,
2355 to 2358, 2618 to 2626, 2630 to 2642 of 2023
09.02.2023

se (CO)

KB(16.02.2023) 10P 25C

RD(14/03/2023) 10P 27C