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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.04.2023

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P.(MD)Nos.4821 to 4825 of 2023

and

W.M.P.(MD)Nos.4496, 4497, 4498, 4502, 4503, 4505, 4499, 4500, 4501,
4504, 4506, 4507, 4508, 4509 and 4510 of 2023

W.P.(MD)No.4821 of 2023:-

P.Latha

... Petitioner

vs.

1.The Collector,
Ramanathapuram District, Ramanathapuram.

2.The Assistant Director,
Town Panchayat, Sivagangai,
Sivagangai District.

3.The Executive Officer,
Town Panchayat,
Muthukulathur, Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned Notice in Na.Ka.No.A2/108/2018, dated 01.02.2023 issued by the third respondent issued in respect of Shop No.4 at inside of the bus stand (eastern side) Muthukulathur Bus Stand,



Ramanathapuram District and to quash the same as illegal and consequently, to forbear the respondent from evicting the petitioner without providing the alternate shop and reeducation after the completion of the project.

W.P.(MD)No.4822 of 2023:-

N.Subburaj

... Petitioner

vs.

1.The Collector,
Ramanathapuram District, Ramanathapuram.

2.The Assistant Director,
Town Panchayat, Sivagangai,
Sivagangai District.

3.The Executive Officer,
Town Panchayat,
Muthukulathur, Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned Notice in Na.Ka.No.A2/108/2018, dated 01.02.2023 issued by the third respondent issued in respect of Shop No.15 at inside of the bus stand (eastern side) Muthukulathur Bus Stand, Ramanathapuram District and to quash the same as illegal and consequently, to forbear the respondent from evicting the petitioner without providing the alternate shop and reeducation after the completion of the project.



W.P.(MD)No.4823 of 2023:-

M.Kaja Kamarudeen

... Petitioner

vs.

1.The Collector,
Ramanathapuram District, Ramanathapuram.

2.The Assistant Director,
Town Panchayat, Sivagangai,
Sivagangai District.

3.The Executive Officer,
Town Panchayat,
Muthukulathur, Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned Notice in Na.Ka.No.A2/108/2018, dated 01.02.2023 issued by the third respondent issued in respect of Shop No.2 at inside of the bus stand (eastern side) Muthukulathur Bus Stand, Ramanathapuram District and to quash the same as illegal and consequently, to forbear the respondent from evicting the petitioner without providing the alternate shop and reeducation after the completion of the project.

W.P.(MD)No.4824 of 2023:-

Naina Mohamed

... Petitioner

vs.



1.The Collector,
Ramanathapuram District, Ramanathapuram.

2.The Assistant Director,
Town Panchayat, Sivagangai,
Sivagangai District.

3.The Executive Officer,
Town Panchayat,
Muthukulathur, Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned Notice in Na.Ka.No.A2/108/2018, dated 01.02.2023 issued by the third respondent issued in respect of Shop No.7 at inside of the bus stand (western side) Muthukulathur Bus Stand, Ramanathapuram District and to quash the same as illegal and consequently, to forbear the respondent from evicting the petitioner without providing the alternate shop and reeducation after the completion of the project.

W.P.(MD)No.4825 of 2023:-

S.Ramu

... Petitioner

vs.

1.The Collector,
Ramanathapuram District, Ramanathapuram.

2.The Assistant Director,
Town Panchayat, Sivagangai,
Sivagangai District.



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3. The Executive Officer,
Town Panchayat,
Muthukulathur, Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned Notice in Na.Ka.No.A2/108/2018, dated 01.02.2023 issued by the third respondent issued in respect of Shop No.3 at inside of the bus stand (eastern side) Muthukulathur Bus Stand, Ramanathapuram District and to quash the same as illegal and consequently, to forbear the respondent from evicting the petitioner without providing the alternate shop and reeducation after the completion of the project.

For Petitioners :Mr.M.Muniasamy

For R1 and R2 :Mr.J.Ashok

Additional Government Pleader

For R3 :Mr.N.Dilip Kumar

(in all cases)

COMMON ORDER

Heard Mr.M.Muniasamy, learned Counsel for the petitioners, Mr. J.Ashok, learned Additional Government Pleader for the first and respondents and Mr.N.Dilip Kumar, learned Counsel for the third respondent in all cases.



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2. With respect to the similar Shop Keepers, the learned Counsel for the petitioners had drawn the notice of this Court to an order in W.P. (MD) No. 4270 of 2023 batch, [N. Amutha vs The Executive Officer, Mudukulathur Panchayat], wherein, a learned Single Judge of this Court in the said common order, had observed as follows:

“2. The petitioners are licensees occupying shops belonging to the local body. It is beyond dispute that the licence period will expire only on 31.03.2024. It is not known as to why the respondents has issued the impugned notice calling upon the petitioner to explain as to why the licence should not be terminated.

3. It is not the case of the respondent that the petitioners have breached the licence terms and conditions. I therefore quash the impugned notice. The petitioners are permitted to remain as licensees till 31.03.2024. Whether to renew the licence or to bring the shops to public auction, it is a call to be taken by the local body. The petitioners cannot insist as a matter of right that their licences should be renewed even after 31.03.2024. The issue is entirely within the discretion of the local body.

4. These writ petitions are allowed on these terms. Consequently, connected miscellaneous petitions are closed.

4. The same order enures to all the petitioners herein and all these Writ Petitions stand allowed and the petitioners are permitted to remain



the licensees till 31.03.2024. The further directions, as aforementioned, would also apply to the petitioners herein. No costs. Consequently, connected miscellaneous petitions are closed.

Index :Yes / No
Internet :Yes
NCC : Yes/No

10.04.2023

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To

1.The Collector,
Ramanathapuram District, Ramanathapuram.

2.The Assistant Director,
Town Panchayat, Sivagangai,
Sivagangai District.

3.The Executive Officer,
Town Panchayat,
Muthukulathur, Ramanathapuram District.



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C.V.KARTHIKEYAN, J.

cmr

Order made in
W.P.(MD)Nos.4821 to 4825 of 2023

10.04.2023