



W.P(MD)Nos.6494, 6495, 6496, 6497 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.03.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).Nos.6494, 6495, 6496, 6497 of 2023
and WMP(MD)Nos.6133, 6135, 6137, 6138, 6150,
6153, 6157 and 6158 of 2023

SP.Karthigaisamy

... Petitioner in WP(MD)No.6494 of 2023

P.Natarajan

... Petitioner in WP(MD)No.6495 of 2023

A.Devajothi

... Petitioner in WP(MD)No.6496 of 2023

A.Devajothi

... Petitioner in WP(MD)No.6497 of 2023

Vs

1. The Commissioner of Municipal Administration,
6th Floor, Ezhilagam,
Annexure Building, Chepauk,
Chennai - 600 005.

2. The Commissioner,
Usilampatti Municipality,
Madurai District.

... Respondents in all petitions



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Common Prayer : Writ Petitions filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned e-tender Notice in Roc.No. 808/2022/E1, dated 6.3.2023 issued by the second respondent, quash the same and consequently, restraining the second respondent, his men or agents from evicting the petitioner from shop in I.U.D.P.No. 119/92, I.U.D.P.No. 119/93, I.U.D.P.No. 119/94, I.U.D.P.No. 119/97 respectively situated at Usilampatti Bus Stand, Usilampatti till 31.3.2026.

In all writ petitions:

For Petitioner	: Mr. P.Athimoolapandian
For R1	: Mr.D.S.Nedunchezian Government Advocate
For R2	: Mr.Veera Kathiravan Additional Government Pleader Assisted by Mr.Austin

COMMON ORDER

The writ petitioners in all the four writ petitions are the existing lease holders and running shops within the bus stand. The lease period is upto the year 2026.

2.It is stated that the bus stand is facing conjunction of traffic. A policy decision has been taken to demolish the bus stand and put up a new



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bus stand. To put up a new bus stand, the second respondent has given a tender notice, in accordance with the provisions of governing tenders.

3.The petitioners herein is seeking a mandamus against the tender issued for construction of new bus stand. This cannot be permitted. However, the underlying object of the petitioners is that their livelihood is to be protected which putting up a new bus stand.

4.The learned Additional Advocate General, who takes notice on behalf of the second respondent states that the grievances of the petitioners would be addressed by the second respondent, who had already conducted a meeting, not only with the petitioners, but also with other shop keepers on 13.03.2023 and that an appropriate decision would be taken. Such decision should be taken, keeping in mind that the petitioners are having lease period till 2026.

5.The learned Additional Advocate General also pointed out that as per terms of lease, the petitioners specifically agreed that the lease could be frustrated, if the land is required for public use and the petitioners should



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hand over the land.

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6.Certainly, if the land is categorized for public purpose, then that right is always vested with the respondent. But still the respondents may also keep in mind the interest of the petitioners and take an appropriate decision.

7.As on date, the writ petitions are a little pre-mature. The petitioners have to wait for the decision taken by the second respondent, which might give relief to the petitioners. Though the meeting was convened on 13.03.2023, the petitioners are at liberty to give any fresh representation.

8.With the above directions, all the writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

24.03.2023

NCS : Yes/No
Index : Yes / No
Internet: Yes/ No
PNM



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To

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C.V.KARTHIKEYAN, J.

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COMMON ORDER IN
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and WMP(MD)Nos.6133, 6135, 6137,
6138, 6150, 6153, 6157 and 6158 of 2023

24.03.2023