



W.P.(MD) No.7009 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.03.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD) No.7009 of 2023

and

W.M.P.(MD) Nos.6626, 6627, 6628 & 6629 of 2023

G.Thamilarasan

... Petitioner

-VS-

1.The Additional Chief Secretary
to Government of Tamilnadu
Department of Municipal
Administration and Water Supply
Secretariat
Fort St.George, Chennai

2.The Director
Directorate of Municipal Administration
and Water Supply
Chennai

3.The Kovilpatti Municipality
rep.by its Commissioner
Kovilpatti, Thoothukudi District

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the records of the first respondent bearing G.O.(4D) No.23 (MAWS (SS&FC) Department, dated 01.12.2022 in so far as the third respondent municipality is concerns and the consequential resolution No.325, dated 30.12.2022 passed by the municipal council of the third respondent in Agenda No.8 and quash the same, consequently forbear the respondents from demolishing the superstructures of 398 shops and reconstruction at Pasumpon U.Muthuramalinga Thevar Daily Market, Kovilpatti, by implementing the KNMT scheme.

For Petitioner : Mr.S.Siva Ilayaraja

For Respondents : Mr.P.Thilakkumar
Government Pleader for R1 & R2
Mr.P.Srinivas for R3

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

Mr.P.Thilakkumar, learned Government Pleader, takes notice for the respondents 1 & 2 and Mr.P.Srinivas, learned counsel, takes notice for the third respondent.



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2. The petitioner, who claims to be a public-spirited person, challenges the decision of the respondent – Municipality to demolish the existing market and put up a new construction.

3. Shifting of markets, bus stands and other public amenities or reconstruction of the same are all policy decisions, which are within the domain of the Executive. This Court shall not, in the normal circumstances, interfere with such policy decisions, unless it is shown that there are *mala fides* or there is any breach of procedure established by law in such development.

4. Learned counsel appearing for the third respondent would submit that the traders, who are carrying on business in the market, had already approached this Court challenging the individual eviction orders passed against each of them and this Court had dismissed the writ petitions on 09.02.2023 granting time to the trader licensees till 31.03.2023.



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5. In view of the above and in view of the fact that the decision to develop the new market is for a public good, we do not think that we should interfere with the said decision. Hence, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

[R.S.M., J.]

[L.V.G., J.]

29.03.2023

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

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To:

- 1.The Additional Chief Secretary
to Government of Tamilnadu,
Department of Municipal
Administration and Water Supply,
Secretariat,
Fort St.George, Chennai.
- 2.The Director,
Directorate of Municipal Administration
and Water Supply,
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