



W.P(MD)No.16149 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 14.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)Nos.16149, 14429, 16735, 17024, 17029,
17032, 17033, 14329 & 14379 of 2022

and

W.M.P(MD)Nos.11678 to 11680, 12136 to 12138, 10328, 10329,
10237, 10239, 10274, 10276, 12393, 12394, 12398,
12405, 12412, 12420, 12408, 12410, 12414,
12413, 12416 & 12418 of 2022

W.P(MD)No.16149 of 2022:

P.Mahesh

... Petitioner

Vs

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The Assistant Director of
Town Panchayat,
Tirunelveli.
- 3.The Executive Officer,
Special Grade Town Panchayat,
Valliyur,
Tirunelveli District.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records relating to impugned Notice in Na.Ka.No.175/2021 dated 17.06.2022 on the file of the third respondent and quash the same.

For Petitioner : Mr.K.Jeyamohan

For Respondents : Mr.A.K.Manikkam
Special Government Pleader for R.1 & R.2

Mr.H.Arumugam
Standing Counsel for R.3

COMMON ORDER

Heard the learned counsel on either side.

2.The writ petitioners herein are licensees who had been allotted shops belonging to the third respondent. The shops were located inside the premises of Valliyur Bus stand. The license period is yet to expire. In the meanwhile, the local body to put up a new bus stand, had demolished the existing bus stand. The buses have already been prevented from entering the existing bus stand premises. In these circumstances, these writ petitions came to be filed.

3.The local body has come forward to provide alternative accommodation in the form of temporary shops. There are around 50 shops.



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Except the petitioners before this Court, others had already availed the offer given by the local body and appear to have moved in. Subsequently, three of the writ petitioners herein have also accepted the temporary accommodation given by the third respondent.

4. After considering the rival contentions, the writ petitions are disposed of in the following terms:

- a) The local body is directed to provide all basic amenities such as electricity, water supply, sanitation and security for the newly put up temporary shops.
- b) The petitioners will be allotted temporary shops corresponding to what they originally enjoyed.
- c) The local body shall endeavor to complete the construction of the new bus stand as well as the new shops within a period of twelve months.

5. After the new shops are constructed in the new bus stand, they shall be brought to public auction. The existing licensees shall be permitted to match the highest bid that is fetched in the new auction. The auction shall be conducted in a transparent manner and the entire proceedings will be videographed. If the exiting licensees match the highest bid, they will be given



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preference and awarded license. Such a preferential treatment is given to the existing licensees because they have been asked to vacate the shops even during the subsistence of the license period. The licensees will be given alternative accommodation and also preferential treatment in the auction to be conducted next year after the construction of the shops only if they clear all the outcoming arrears on or before 31.03.2023. Subject to payment of arrears, alternative accommodation shall be provided immediately and without delay. Of course, the persons who have already been given accommodation shall not be disturbed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

14.02.2023

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

Note: Issue Order Copy on 16.02.2023.

To

- 1.The District Collector, Tirunelveli District, Tirunelveli.
- 2.The Assistant Director ofTown Panchayat, Tirunelveli.
- 3.The Executive Officer, Special Grade Town Panchayat, Valliyur, Tirunelveli District.



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G.R.SWAMINATHAN, J.

MGA

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