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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.07.2023**

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**
AND
THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

W.A.(MD)No.1438 of 2014
and
C.M.P.(MD)No.12263 of 2016
and
W.P(MD)No.252 of 2017
and
W.M.P.(MD)Nos.200 and 201 of 2017

W.A(MD)No.1438 of 2014:-

1.S.Abdul Rahim
2.M.Rafiq Raja
3.P.Ayutha Velan
4.S.Mayazhagu
5.S.Mohamed Meera
6.M.Iqbal
7.K.R.Karuppaiah
8.K.Ganesan

... Appellants

Vs.

1.K.Sundaralingam
2.The District Collector,
Sivagangai District, Sivagangai.

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3.The Commissioner (In charge),
Devakottai Municipality,
Devakottai, Sivagangai District.

4.The Chairman,
Devakottai Municipality,
Devakottai, Sivagangai District.

5.Meera Ali,
Commissioner (In charge),
Devakottai Municipality,
Devakottai, Sivagangai District.

6.Sumitra Ravikumar,
Chairman,
Devakottai Municipality,
Devakottai, Sivagangai District.

... Respondents

PRAYER:- Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 25.11.2014 passed by this Court in W.P(MD)No. 17106 of 2014 on the file of this Court.

For Appellants	:No Appearance
For R1	:Mr.M.Hariharan for Mr.D.Sadiq Raja
For R2	:Mr.T.Amjad Khan Government Advocate
For R3	:Mr.VR.Shanmuganathan
R4	:No Appearance



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W.P(MD)No.252 of 2017:-

M.Iqbal

... Petitioner

-VS-

The Commissioner,
Devakottai Municipality,
Devakottai, Sivagangai District.

... Respondent

Prayer: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Certiorari to call for the records relating to the impugned tender cum auction notification passed by the respondent in his proceedings in Na.Ka.No.2425/2010A2, dated 22.12.2016 and to quash the same.

For Petitioner :No Appearance
For Respondent :Mr.VR.Shanmuganathan

COMMON JUDGMENT

(Judgment of the Court was delivered by **DR.ANITA SUMANTH, J.**)

The Appellants and the Writ Petitioner are called absent and we have heard Mr.M.Hariharan, learned for the R1, Mr.T.Amjad Khan,



Government Advocate for R2 and Mr.VR.Shanmuganathan, learned Counsel for R3 in the Writ Appeal.

2.The Writ Petition had been filed by the Vice Chairman of the Devekottai Municipality challenging resolution dated 10.10.2014 allotting certain shops to the appellants. The resolution had been passed unanimously, despite which the Vice Chairman had thought it fit to challenge the same by way of Writ Petition.

3.Be that as it may, the Writ Petition had come to be allowed and the resolution as well as the consequential impugned allotment orders had been quashed. We are given to understand that pending Writ Appeal, the shops have been demolished, new shops constructed and the same have been auctioned.

4.In the absence of the appellants, despite Counsel having entered appearance and their names being printed in the list, we are unable to ascertain as to whether there was any participation by the



appellants in the auction. In any event, the aforesaid narration makes it clear that nothing survives in these matters.

5. Recording the trajectory of events as above, the Writ Appeal, Writ Petition and connected miscellaneous petitions are closed. No costs.

[A.S.M.J.] & [R.V.J.]
10.07.2023

NCC : Yes/No

Index : Yes/No

Internet : Yes

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To

The District Collector,
Sivagangai District, Sivagangai.



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DR.ANITA SUMANTH, J.
AND
R.VIJAYAKUMAR, J.

cmr

W.A.(MD)No.1438 of 2014
and
W.P(MD)No.252 of 2017

Dated:
10.07.2023