



W.P(MD)No.20008 of 2015

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

WEB COPY

DATED : 31.07.2023

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.20008 of 2015  
and  
M.P.(MD)No.1 of 2015

S.Chellappan

... Petitioner

Vs.

- 1.The State Represented by  
The Secretary to Government,  
Municipal Administration and Water Supply Department,  
Secretariat, Chennai - 9.
- 2.The District Collector,  
Collectorate, Nagercoil,  
Kanyakumari District.
- 3.The Assistant Director of Town Panchayats,  
Kanyakumari District, At Nagercoil.
- 4.The Executive Officer,  
Kaliyakkavilai Town Panchayat,  
Kaliyakkavilai Post,  
Kanyakumari District.

5.T.R.Asha Dayana

... Respondents



**W.P(MD)No.20008 of 2015**

**Prayer :** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the Respondents 1 to 3 to take appropriate actions against the Respondents 4 and 5 for demolishing Kaliyakkavilai Town Panchayat Market Shops No.2, 3, 4 and consequently reconstruct the above shops as per the original plan.

For Petitioner : Mr.M.Saravanakumar

For Respondents : Mr.D.Gandhiraj,  
Spl. Government Pleader for R1 to R3.  
Mr.M.Rajarajan for R4.  
No appearance for R5.

### **ORDER**

Heard the learned counsel for the writ petitioner, the learned Special Government Pleader for the respondents 1 to 3 and the learned counsel for the fourth respondent. There is no representation for the fifth respondent.



W.P(MD)No.20008 of 2015

2.The writ petitioner was the Ex-President of the local body. He was serving as Councillor at the time of filing this writ petition. His grievance of the petitioner is that the fifth respondent had demolished a portion of the back-wall of Shop Nos.2, 3 and 4 unauthorizedly and without any panchayat resolution and therefore, action must be taken against her. The grievance of the petitioner is well founded. His contention is that these three shops were facing the main road. The business inside the market will be better compared to the business from outside the market. Since these three shops were facing the main road and were not facing the inside of the market, they fetched relatively lower amount in the auction. The licensees of the said shops after taking the shops for a lower amount, with the connivance of the fifth respondent appear to have demolished a portion of the back wall so as to do business both inside as well as outside the market. The respondents 2 to 4 must have taken immediate action. Since it was not done, the present writ petition came to be filed.

3.The term of the fifth respondent had obviously expired. More than eight years have lapsed. No purpose will be served in directing



**W.P(MD)No.20008 of 2015**

action to be taken at this point of time. The learned Special Government Pleader also would state that the openings in the wall portion have since been closed. The license period is also over and the learned Special Government Pleader would state that fresh auction has been conducted for the said three shops. I direct the fourth respondent to ensure that the licensees strictly adhere to the terms and conditions subject to which they take the shops. They cannot be allowed to demolish any portion of the structure for the purpose of enhancing their business.

4. With this direction to the fourth respondent, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

**31.07.2023**

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



**W.P(MD)No.20008 of 2015**

WEB COPY

To:-

- 1.The Secretary,  
Municipal Administration and Water Supply Department,  
Secretariat, Chennai - 9.
- 2.The District Collector,  
Collectorate, Nagercoil,  
Kanyakumari District.
- 3.The Assistant Director of Town Panchayats,  
Kanyakumari District, At Nagercoil.



WEB COPY



**W.P(MD)No.20008 of 2015**

**G.R.SWAMINATHAN, J.**

ias

**W.P(MD)No.20008 of 2015**

**31.07.2023**