



WP (MD) No.20496 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

**WP(MD)No.20496 of 2015
and
WMP(MD)No.1 of 2015**

G.Gunasekaran

... Petitioner

Vs

1.The District Collector,
Pudhukottai District.

2.The Additional Director of Town Panchayat,
Puduhukottai District.

3.The Block Development Officer,
Aavudaiyar Kovil Taluk,
Pudhukottai District.

4.The President,
Memisal Panchayat,
Pudhukottai District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondents to subject the shops under the ambit of the 4th respondent for Tender Process for the purpose of letting the shops for lease / license under the supervision of the respondents 1 to 3.



WP (MD) No.20496 of 2015

For petitioner : Mr.K.R.Laxman

For Respondents : Mr.J.K.Jaya Seelan,
Government Advocate

ORDER

This writ petition was filed for a writ of mandamus directing the respondents to subject the shops of the 4th respondent panchayat for tender process and allot the shops only by way of public auction.

2.When this writ petition was taken up for hearing, the learned Counsel appearing for the petitioner submits that the writ petition has become infructuous since the respondents have conducted public auction and allotted the shops.

3.On the other hand the learned Government Advocate appearing for the official respondents by referring to the order passed in WP(MD)Nos.22002 and 23371 of 2015 dated 29.04.2016 submits that similar writ petitions have been filed as public interest litigations, wherein this Court has passed the following order:



WP (MD) No.20496 of 2015

“32.Material extracted supra makes it abundantly clear that the revenue authorities have measured the lands and certified that there is no encroachment on the river. Construction has been made only on the land, belonging to Chathram and duly authorised. The Station Fire Officer has submitted that 17 shops were totally gutted by fire and 9 shops were damaged. Therefore, the contention of the 4th respondent that the Panchayat has passed a resolution to give shops to the affected shop owners, after construction and accordingly given, cannot be said to be a authority decision. True that if shops are sold in tender, it would fetch revenue, but not at the cost of those who were already in possession but lost or damaged due to fire. There are absolutely no merits in the writ petitions and in the result, writ petitions are dismissed. No costs.”

4.Since the learned Counsel for the petitioner submits that the writ petition has become infructuous, this writ petition is closed. No costs. Consequently connected miscellaneous petition is closed.

27.11.2023

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WP (MD) No.20496 of 2015

To

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WP (MD) No.20496 of 2015

B.PUGALENDHI, J.

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WP(MD)No.20496 of 2015

27.11.2023