



WP (MD) No. 4006 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.02.2023

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CORAM:

THE HONOURABLE MR. JUSTICE B. PUGALENDHI

WP (MD) No. 4006 of 2016

and

WMP (MD) Nos. 3598 and 3599 of 2016

S. Kamaraj

... Petitioner

Vs

1. The District Collector,
Tirunelveli District,
Tirunelveli.

2. The Block Development Officer,
Keelapavoor Union,
Pavoorchathiram,
Tenkasi Taluk,
Tirunelveli District 627 808.

3. Kulasekarapatti Village Panchayat,
represented by its President,
Keelapavoor Panchayat Union,
Tirunelveli District 627 806.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of certiorified mandamus, to call for the records of the 3rd respondent's auction notification dated 20.02.2016 which is scheduled on 29.02.2016 and quash the same as devoid of merits and consequently directing the respondents to allot



WP(MD)No.4006 of 2016

one shop in the Pavoorchathiram Thiyagasudar K.Kamarajar Bus Stand maintained by the 3rd respondent on priority basis without any public auction based on the petitioner's representation dated 04.04.2013 and 08.04.2013 within the time stipulated by this Court.

For petitioner : Mr.Ananth C.Rajesh
For Respondent : Mr.T.Vilavan Kothai,
Nos.1 and 2 Additional Government Pleader
For Respondent : Mr.Mohammed Rafiq,
No.3 for M/s.Ajmal Associates

ORDER

This writ petition is filed as against the auction notification dated 20.02.2016 and for consequential directions to the respondents to allot a shop in Pavoorchathiram Thiyagasudar K.Kamarajar Bus stand to the petitioner on priority basis.

2.The learned Counsel for the petitioner submits that the petitioner along with 18 others were in possession and enjoyment of the land in Survey No.348/1, Pavoor Chathiram Village, Tenkasi Taluk, Tirunelveli District and the 3rd respondent was collecting ground rent for 30 years from the



WP(MD)No.4006 of 2016

petitioner and their ancestors. The 3rd respondent under the guise of constructing bus stand and commercial complex in that area attempted to evict the petitioner and therefore, the petitioner approached this Court in WP(MD)No.2109 and 2401 and 2409 of 2002 and the same was allowed by this Court. However the appeal preferred by the Department in WA(MD)Nos.1193 and 1194 of 2002 were allowed by a Hon'ble Division Bench of this Court with a direction to issue notice to the respondents thereon under the Land Encroachment Act and thereafter proceed with the construction of the bus stand. Accordingly the petitioners thereon have been removed and the respondents have constructed bus stand and commercial complexes adjacent to the bus stand. The petitioner is now claiming preferential allotment in the bus stand that he was in occupation of the land for several years.

3. According to the learned Counsel for the 3rd respondent and the learned Additional Government Pleader appearing for the other respondents the petitioner has made similar request in WP(MD)No.6505 of 2013 and the same was



WP(MD)No.4006 of 2016

dismissed by this Court on 24.11.2015 recording that the shops have already been allotted to respondent Nos.4 to 26 therein by conducting public auction. Therefore, this petitioner is not entitled for the relief. It appears that this writ petition is filed for the very same relief. In view of the earlier orders of this Court, this Court is not inclined to entertain this writ petition and accordingly this writ petition is dismissed. No costs. Consequently connected miscellaneous petitions are also dismissed.

14.02.2023

dsk

To

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The Block Development Officer,
Keelapavoor Union,
Pavoorchathiram,
Tenkasi Taluk,
Tirunelveli District 627 808.
- 3.The President,
Kulasekarapatti Village Panchayat,
Keelapavoor Panchayat Union,
Tirunelveli District 627 806.



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WP (MD) No. 4006 of 2016

B. PUGALENDHI, J.

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WP (MD) No. 4006 of 2016

14.02.2023