



W.P(MD)Nos.24954, 24955 and 24956 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.10.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)Nos.24954, 24955 and 24956 of 2023
and

W.M.P.(MD)Nos.21140, 21142, 21143,
21144, 21148 and 21149 of 2023

D.John Xavier Rajan ... Petitioner in W.P.(MD)No.24954 of 2023
A.Thillai Nadarajan ... Petitioner in W.P.(MD)No.24955 of 2023
A.Royappan ... Petitioner in W.P.(MD)No.24956 of 2023

Vs.

1.The District Collector,
Nagercoil,
Kanyakumari District.

2.The Executive Officer,
Kanyakumari Special Grade Town Panchayat,
Kanyakumari,
Kanyakumari District. ... Respondents in all W.Ps.

Common Prayer : Writ Petitions filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.667/2023/A2 dated 29.09.2023 on the file of the respondent



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No.2 and quash the same as illegal and consequently forbear the respondent No.2 from evicting the petitioner without following the due process of law and pass further orders within the time frame stipulated by this Court.

(In all W.Ps)

For Petitioner : Mr.T.Lajapathi Roy, Senior Counsel,
For M/s. Lajapathi Roy and Associates.

For Respondents : Mr.C.Satheesh,
Government Advocate for R1.
Mr.J.K.Jayaseelan,
Government Advocate for R2.

COMMON ORDER

Heard the learned senior counsel for the writ petitioners and the learned Government Advocate for the respondents.

2.The impugned notice dated 29.09.2023 was issued pursuant to the undertaking given by the local body before the Hon'ble Division Bench in W.P.(MD)No.28639 of 2022. The order of the Hon'ble Division Bench reads as follows:-



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“The Writ Petition is filed for issuance of a Writ of Mandamus, directing the respondents 1 to 5 to consider the representation dated 01.12.2022, made by the petitioner herein to conduct public auction of the entire commercial establishment shops of the 6th respondent Special Grade Town Panchayat, Kanyakumari, Kanyakumari District, and pass appropriate orders within a time frame.

2. The petitioner-s grievance is that the respondents should conduct public auction of the shops belonging to the 6th respondent afresh as the tenants are occupying the same for more than 25 years without any public auction and that the local body is unable to get the lease amount or rent at the market rate.

3. In the status report dated 05.01.2023, filed by the 6th respondent, it is stated that the lease period has ended by the end of March, 2023 and that the 6th respondent has taken steps to conduct fresh auction following G.O.Ms.No.92, Municipal Administration and Water Supply Department, dated 03.07.2007.

4. Since the prayer in the Writ Petition has been conceded, the Writ Petition is disposed of recording the



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statement of 6th respondent to go for auction in terms of G.O.Ms.No.92, Municipal Administration and Water Supply Department, dated 03.07.2007. No costs. Consequently, connected Writ Miscellaneous Petition is closed.”

3.The learned senior counsel points out that the said writ petition was filed by one Saravanan and that the present writ petitioners were not parties to the said writ proceedings. It is stated that since the undertaking given by the second respondent directly infringes their rights, the petitioners herein have joined together and filed Rev.Apl.W.(MD)No.178 of 2023. It is also stated that the review application was admitted and notice was ordered on 20.09.2023. The argument of the learned senior counsel is that if in the meanwhile, the impugned order is given effect to, the review application will become infructuous. I find prima facie force in the said contention. Therefore, the impugned proceedings are directed to be put on hold. It will abide by the outcome of Rev.Apl.W.(MD)No.178 of 2023,



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4.These writ petitions are disposed of accordingly. No costs.

Consequently, connected miscellaneous petitions are closed.

13.10.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

1.The District Collector,
Nagercoil,
Kanyakumari District.

2.The Executive Officer,
Kanyakumari Special Grade Town Panchayat,
Kanyakumari,
Kanyakumari District.



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