



W.P(MD)No.28151 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2023

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

W.P(MD)No.28151 of 2023

and

W.M.P.(MD)Nos.24232 & 24233 of 2023

N.Karthikeyan @ Chinnaiah

... Petitioner

**Vs.**

1.The District Collector,  
Thanjavur District,  
Thanjavur.

2.The Block Development Officer,  
Thiruvaiyaru Union,  
Thanjavur District.

3.The Executive Officer,  
Thiruvaiyaru Selection Grade Town Panchayat,  
Thanjavur District.

... Respondents

**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 to conduct open action by inviting tender from eligible person for allotment of shop at EVR Market situate at Thiruvaiyaru town panchayat, Thanjavur District by giving priority to the petitioner (existing licensee).

For Petitioner : Mr.N.Balakrishanan

For Respondents : Mr.M.Siddharthan  
Additional Government Pleader



W.P(MD)No.28151 of 2023

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## ORDER

Heard the learned counsel for the petitioner, Mr.M.Sidharthan, learned Additional Government Pleader for the respondents 1 to 3.

2.The petitioner was a licensee in one of the shops belonging to the third respondent / local body in Thiruvaiyaru market in Thanjavur District. The building had become dilapidated. The petitioner and other occupants had cooperated with the local body by vacating the shops. The building was demolished. The reconstruction work is nearing completion. The newly built shops will have to be handed over.

3.The learned Additional Government Pleader for the third respondent states that council of the local body will shortly meet and take a call in the matter. He states that there is a proposal to give preference to the original occupants.

4.When the local body is proposing to act in a transparent and open manner, I wondered as to why the petitioner approached this Court.

5.The learned counsel for the petitioner produced a copy of a format letter which indicates that the proposed allottees will have to approach the local body through the officer bearers of E.V.R.Market Anaithu Viyabarikal Sangam.



**W.P(MD)No.28151 of 2023**

6.The learned Additional Government Pleader for the local body categorically stated that this allegation is not correct.

7.Be that as it may, I make it clear that the decision regarding allotment will have to be finalized only by the local body and the local body will not associate any other private entity. The third respondent will also bear in mind Rule 316(11) of the Tamil Nadu Urban Local Bodies Rules, 2023 while finalizing the auction process.

8.With these observations and clarification, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

**29.11.2023**

Index : Yes / No  
Internet : Yes/ No  
rmi

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W.P(MD)No.28151 of 2023

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

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W.P(MD)No.28151 of 2023

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