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W.P.(MD)NO.30014 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 18.12.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.30014 of 2023

Vasantha

... Petitioner

Vs.

1. The District Collector,
Thanjavur District,
Thanjavur.
2. The Assistant Director of Town Panchayats,
Collectorate Campus, Thanjavur,
Thanjavur District.
3. The Executive Officer,
Thiruvaiyaru Selection Grade Town Panchayat,
Thiruvaiyaru Town and Taluk,
Thanjavur District.
4. R.Souri Rajaperumal,
President,
E.V.R.Market Anaithu Viyabarikal Sangam,
Thanjavur Road, Thiruvaiyaru,
Thiruvaiyaru Taluk,
Thanjavur District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 2 and 3 to either to consider the request of the petitioner to allot the same shops at E.V.R.market building situated at Thanjavur Road, Thiruvaiyaru Taluk, Thanjavur District or allocation of shops after bringing the entire shops



newly constructed E.V.R.market building by conducting open tender cum public auction by following the Tamil Nadu Panchayats (Opening and Maintenance of Market) Rules 2000 and the Tamil Nadu Panchayats (Procedure for conducting public auction of lease and sale in the panchayats) Rules 2001.

For Petitioner : Mr.A.Sivasubramanian
For R-1 to R-3 : Mr.S.Ra.Ramachandran,
Additional Government Pleader.

* * *

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for respondents 1 to 3.

2. An identical issue was raised in W.P.(MD)No.27594 of 2023 and it was disposed of by me on 21.11.2023 as follows:-

“2.The petitioner was a licensee in one of the shops belonging to the fourth 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 build shops will have to be handed over.

3.The learned Additional Government Pleader for the fourth 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.



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.

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

3. This writ petition stands disposed of on the same lines. No costs.

18.12.2023

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

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To:

1. The District Collector,
Thanjavur District,
Thanjavur.
2. The Assistant Director of Town Panchayats,
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Thanjavur District.
3. The Executive Officer,
Thiruvaiyaru Selection Grade Town Panchayat,
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G.R.SWAMINATHAN,J.

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