



W.P.No.23809 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.10.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.23809 of 2022

1.Tiruppur Municipality Shop Merchants Association,
Registration No.37/1991,
Rep. By its President K.S.Paramasivam,
Avinasi Road,
Tiruppur – 641602.

2.S.Ramesh
3.K.S.Paramasivam
4.K.V.Abdul Azees
5.M.Abdul Rahuman
6.T.Ashokan
7.S.Deepa
8.K.V.Mohamed Ismail
9.S.Arumugam
10.M.Maideen
11.N.Senthilvel
12.N.Krishnamoorthi
13.K.Rajeswari

(P2 to P13 impleaded vide order dt.16.11.2022
made in WMP.No.29841/22 by PDAJ)

.. Petitioners

Vs

1.The Commissioner,
Tiruppur City Municipal Corporation,
Tiruppur – 641604.

.. Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India seeking for issuance of a writ of mandamus directing the respondent Corporation to re-allot the shops to the members of the petitioners association, in the newly constructed smart city complex in the old bus stand, Kamaraj Road, Tiruppur, Tiruppur District.

For Petitioners : No Appearance

For Respondent : Mr.S.Silambannan, AAG

for Ms.P.Shanthi, Standing Counsel

ORDER

The writ petition has been filed for a direction to the respondent corporation to re-allot the shops to the petitioners in the newly constructed smart city complex in the old bus stand, Kamaraj Road, Tiruppur.

2. The petitioners have been granted with lease of the shops through a public action and they have been carrying on business for more than 20 years at Kumaran shopping complex, old bus stand Vanigavalagam, etc., Tiruppur. As per G.O.Ms.No.92, Municipal Administration and Water Supply Department, dated 03.07.2007, the shops which are leased out in favour of the petitioners for a period of 3



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years, are liable to be extended automatically for every three years with 15% enhancement of rent. However, the lease period was not extended and therefore, the petitioners have filed W.P.No.20997 of 2016 seeking renewal of lease period and the said writ petition was allowed and directed the respondent to reconsider the request made by the petitioners. Subsequently, the lease period was extended and the petitioners have made additional security deposit.

3. It is further averred that in a similar matter, Madurai Bench of this Court in W.P.(MD).No.24461 of 2018, dated 28.01.2019, ordered to give relief to the existing lessees doing business in the bus stand complex. In the case on hand as well, due to the construction of the smart city complex, the petitioners have surrendered their respective shops to the respondent. Now, the construction of the smart city complex has been completed and therefore, the respondent ought to have re-allotted the shops to the petitioners, existing lessees. Since this was not done, the petitioners submitted a representation to the respondent, however, the said representation till date has not been considered. Hence, the present writ petition.



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4. The submission of the learned Additional Advocate General appearing for the respondent on the basis of the counter affidavit would reveal that the petitioners have not given their consent to pay rent based on the prevailing market rental value. Therefore, the shops in the newly constructed smart city complex were leased through open auction tender. Accordingly, tender notification was published in the newspaper and those shops were leased to the highest bidders.

5. That apart, by resolution No.58, dated 30.05.2022, it was decided to allot the shops through public auction so as to maximize the revenue for the respondent Corporation. After open auction, with regard to the following five shops for which no bids were received in the auction conducted on 07.09.2022, 12.10.2022 and 27.10.2022, the respondent has no objection in allotting these shops at base price:-

<i>Sl.No.</i>	<i>Shop No.</i>	<i>Shop Details</i>	<i>Sq.ft.</i>	<i>Base price</i>
1.	28	West side shop	148	Rs.13,320/-
2.	29	West side shop	143	Rs.12,870/-
3.	30	West side shop	143	Rs.12,870/-
4.	31	West side shop	143	Rs.12,870/-
5.	32	West side shop	143	Rs.12,870/-



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6. In view of the above, the prayer sought for by the petitioners cannot be considered and accordingly, the writ petition stands dismissed.

However, it is made clear that if the members of the first petitioner association and other petitioners fail to come forward to take the aforesaid five shops, for which no bids were received in the auction conducted by the respondent, within a period of two weeks from the date of receipt of a copy of this order, the respondent is at liberty to go for fresh auction in accordance with law. No Costs. Consequently, connected miscellaneous petitions, if any, are closed.

23.10.2024

rkm

To

The Commissioner,
Tiruppur City Municipal Corporation,
Tiruppur – 641604.



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