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W.A.No.2664, 2666, 2667 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2024

CORAM :

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.A.No.2664, 2666 and 1667 of 2024

and

C.M.P.Nos.19228 and 19229 of 2024,

CMP Nos.19245 and 19246 of 2024,

CMP Nos.19248 and 19249 of 2024

V.Siddharthan

... Appellant in
W.A.No.2664 of

2024

G.Veluchamy

... Appellant in
W.A.No.2666 of

2024

G.Dharmalingam

... Appellant in
W.A.No.2667 of

2024

Vs.

The Commissioner,
Punjai Puliampatti Municipality,
Punjai Puliampatti,

Page 1 of 7



W.A.No.2664, 2666, 2667 of 2024

Erode District 638 459.

... Respondent in
all writ appeals

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PRAYER in W.A.No.2664 of 2024: Writ Appeal filed under Section 15 of Letters Patent, pleased to set aside the order dated 08.08.2024 in W.P.No.15942 of 2024 by allowing this writ appeal.

PRAYER in W.A.No.2666 of 2024: Writ Appeal filed under Section 15 of Letters Patent, pleased to set aside the order dated 08.08.2024 in W.P.No.16067 of 2024 by allowing this writ appeal.

PRAYER in W.A.No.2667 of 2024: Writ Appeal filed under Section 15 of Letters Patent, pleased to set aside the order dated 08.08.2024 in W.P.No.16277 of 2024 by allowing this writ appeal.

In all writ appeals

For Appellant : Mr.N.Ponraj

For Respondent : Mr.B.Anand

COMMON JUDGMENT

(Judgment of the Court was made by D.KRISHNAKUMAR,J.)

The present appeals have been filed by the writ petitioners as against



W.A.No.2664, 2666, 2667 of 2024

the common order passed by this Court in W.P.No.15942, 16067 and 16277 of 2024, dated 08.08.2024.

2. The facts and circumstances of the case and the issues involved in all the writ petitions are one and the same and hence, this court passes the common order.

3. The above said writ petitions were filed by the appellants/writ petitioners seeking to quash the impugned order dated 24.05.2024 passed by the respondent, calling upon them to vacate their respective shop premises, since the buildings are in dilapidated condition and consequently, forbear the respondent from evicting them from the suit property. After considering the inspection report filed by the Public Works Department and also the 'Non Destructive Results' the writ petitions were dismissed and consequently, the appellants were directed to hand over the property to the respondent on or before 02.09.2024. Dissatisfied with the above said order, the present writ appeals were filed.

4. Today, learned counsel for the appellants informed before this court



W.A.No.2664, 2666, 2667 of 2024

that the properties in question were handed over by the appellants and the respondent Municipality has taken possession of the same. It is contended by the learned counsel for the respondent that construction of new shops will start soon and after completion of construction of entire new shops, auction will be held for granting lease to run the business to the successful bidders and it is open to the appellants to participate in the auction, after complying with the tender conditions for newly constructed shops.

5. Learned counsel for the appellants has not reputed the above said submission. He further submitted that the appellants were in possession of the shops for several years and the lease granted by the respondent in respect of their shops, which were handed over to the respondents, is in force till the year 2025. He also submitted that appellants are willing to participate in the auction to be conducted by the respondent for granting lease to run the shops and in case, the appellants are not the successful bidders, then, opportunity may be given to the appellants to quote higher bid amount, than the bid amount quoted by the successful bidder, so that, the respondent may receive more revenue and the appellants also will get the



W.A.No.2664, 2666, 2667 of 2024

shops.

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6. Learned counsel for the respondent has also given consent to the above submission made by the learned counsel for the appellants.

7. Considering the fact that the appellants were in possession of the property for several years and the lease period is expired only in the year 2025, we dispose of the writ appeals with the following direction.

i) The appellants are at liberty to participate in the auction to be conducted by the respondent for granting lease to run the shops, which is under construction process.

ii) In case, the appellants are not the successful bidders, the respondent shall give opportunity to the appellants to quote higher bid amount than the bid amount quoted by the successful bidder.

iii) The deposit amount made by the appellants, if any, lying with the hands of the respondent Municipality shall be returned to the appellants, as per the terms and conditions, within two weeks from the date of receipt of a copy of this order.



W.A.No.2664, 2666, 2667 of 2024

WEB COPY 8. Connected C.M.P.Nos.19228, 19229, 19245, 19246, 19248 and 19249 of 2024 are closed.

(D.K.K.J.) (P.B.B.J.)
08.11.2024

Internet: Yes/No
Index : Yes/No
mst

To

The Commissioner,
Punjai Puliampatti Municipality,
Punjai Puliampatti,
Erode District 638 459.



WEB COPY



W.A.No.2664, 2666, 2667 of 2024

D.KRISHNAKUMAR, J.
and
P.B.BALAJI, J.

mst

W.A.Nos.2664, 2666 and 2667 of 2024

08.11.2024