



W.P. No. 59 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2024

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

**W.P. No. 59 of 2024
and
W.M.P. No. 46 of 2024**

- 1.M.K.Parthiban
- 2.T.Vairakannu
- 3.P.Ramesh
- 4.G.Aloysius
- 5.C.Venkatesan
- 6.M.Maheshwaran
- 7.V.Bhuvaneswari
- 8.B.Arularasan
- 9.A.Yamuna
- 10.M.Vadivelmurugan
- 11.R.Shakunthala
- 12.S.Veerappan
- 13.Selvanathan
- 14.Cosmas Damiyan Jeeva



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15.A.Sagaya Lency

16.Anthony

17.V.Elangovan

18.V.Suriya

19.G.Saravanan

20.R.Selvakkumar

... Petitioners

-VS-

The Commissioner,
Vadalur Municipality,
Vadalur, Cuddalore District.

... Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Respondent to allot one shop in the newly constructed shopping complex near inside and outside the Vadalur Bus Stand to the Writ Petitioners herein after completion of New shopping complex both inside and road abutting the Vadalur Bus Stand for a reasonable New Rent which may be fixed by the Respondent.

For Petitioners : Mr. V.Ragupathi

For Respondent : Mr. U.Baranidaran
Additional Government Pleader

ORDER

Heard Mr. V.Ragupathi, Learned Counsel for the Petitioners and Mr. U.Baranidaran, Learned Additional Government Pleader appearing for the



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Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioners were earlier lessees of the shops in North Veli Road near Vadalur Bus Stand belonging to the Respondent. Since the building in which the said shops had been located had become dilapidated, the Petitioners have vacated from there and it was demolished and a new Shopping Complex has been re-constructed. It is the case of the Petitioners that they are entitled to preferential allotment of the shops in the newly constructed Shopping Complex placing reliance on the decisions of the Hon'ble Supreme Court of India in ***Labha Ram and Sons -vs- State of Punjab*** [(1998) 5 SCC 207] and ***S.S.Abdul Azzez -vs- Secretary to Government of Tamil Nadu*** (Order dated 16.02.2015 in Civil Appeal Nos. 1933-1941 of 2015). The present Writ Petition has been filed to enforce such right of preference in allotment of the shops in the newly constructed Shopping Complex to the Petitioners.

3. In response, Learned Additional Government Pleader appearing for the Respondent, on instructions, states that the grant of lease of shops by the Respondent would be governed by Rule 316 of the Tamil Nadu Urban Local Bodies Rules, 2023 (hereinafter referred to as 'the Rules' for short), and that the



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Petition by virtue of clause 11 of the said Rule would be entitled to claim preference in the manner provided, which reads as follows:-

316. Licencing or leasing of Immovable Properties.–

....

(11) (a) In case of auction for licence of rental shops belonging to the municipality, the Council may, on application by the concerned person, give preference to,–

- (i) In case of demolition and reconstruction, existing licensees of the demolished shopping complex;
- (ii) Licensees of another shopping complex belonging to the municipality which was demolished or diverted to some other use by the municipality;
- (iii) Commercial shop owners in lands acquired by the municipality;

(b) (i) Any person claiming such preference shall be required to match the highest bid price and submit necessary documents proving eligibility for preference;

(ii) The order of preference shall be in the same order as in clause (a) and within each category, the preference shall be in order of seniority within that category with respect to the month and year of demolition or acquisition;

(iii) Preference in allotment shall not be applicable to legal heirs of such person if the said person is deceased;



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(c) Five per cent of the shops may be allotted to persons with disability, willing to match the highest bid.

4. In view of the same, it shall be incumbent upon the Respondent to extend the benefit of the said Rule of preference to the Petitioners at the time of allotment of the shops in the newly constructed Shopping Complex. It is needless to add here that if any of the Petitioners have any further grievance to be redressed in the matter, they are not precluded from working out their rights before the proper forum in the manner recognized by law.

In the result, the Writ Petition is disposed with the aforesaid observations. Consequently connected Miscellaneous Petition is closed. No costs.

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Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 12.03.2024.

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To

WEB COPY

1. The District Collector,
Chengalpattu District,
Chengalpattu.
2. The Assistant Director (Mines and Minerals),
Kanchipuram.
3. The Assistant Director (Geology and Mines),
Chengalpattu District,
Chengalpattu.
4. The Assistant Director (Panchayat),
Chengalpattu District,
Chengalpattu.
5. The Block Development Officer (Village Panchayat),
Lathur Black, Pavunjur,
Chengalpattu District.



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P.D. AUDIKESAVALU, J.

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