



W.P(MD)No.2404 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED 07.02.2024

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.2404 of 2024

and

W.M.P(MD)No.2415 of 2024

Tenkasi Thinasari Santhai Kaikari Viyabarigal Sangam,
Represented through its
President,
Venkatesh
Tenkasi Daily Market Bazaar,
Tenkasi,
Tenkasi District.

..Petitioner

Vs

- 1.The District Collector,
Tenkasi District,
Tenkasi.
- 2.The Tahsildar,
Tenkasi Taluk,
Tenkasi District.
- 3.The Municipal Commissioner,
Tenkasi Municipality,
Tenkasi.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to provide alternative temporary place in the near vicinity to continue the business of vegetable vending till completion of proposed New Vegetable Market Building and give priority in the allotment of shops to the members of the



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petitioner's Association in the proposed New Vegetable Market Building, Tenkasi Daily Vegetable Market, Tenkasi by considering the petitioner's representation, dated 31.01.2024.

For Petitioner	:Mr.S.Devarajan
For R1 & R2	:Mr.D.Gandhiraj Special Government Pleader
For R3	:Mr.A.Aathimoolapandian

ORDER

The Petitioner has prayed for issuance of a Writ of Mandamus, directing the respondents to provide alternative temporary place in the near vicinity to continue the business of vegetable vending till completion of proposed New Vegetable Market Building and give priority in the allotment of shops to the members of the petitioner's Association in the proposed New Vegetable Market Building, Tenkasi Daily Vegetable Market, Tenkasi by considering the petitioner's representation, dated 31.01.2024.

2.Heard Mr.S.Devarajan, learned counsel appearing for the petitioner, Mr.D.Gandhiraj, learned Special Government Pleader appearing for the respondents 1 & 2 and Mr.A.Aathimoolapandian, learned counsel appearing for the third respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.



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3. According to the petitioner, he is functioning as the President of Tenkasi Thinasari Santhai Kaikari Viyabarigal Sangam, Tenkasi, which is registered Association bearing No.2/1988. The petitioner's Association has got 55 members. The main object of the Association is to work for the welfare of the Vegetable Vendors, those who sell vegetables at the Daily Vegetable Market at Tenkasi, at the shops owned by the third respondent Municipal Corporation, Tenkasi. The petitioner's Association are the authorized tenants. Totally, there are 85 shops in the said Vegetable Market and the petitioner's Association has got over 55 members. The members of the petitioner's Association are running the shops in the above mentioned buildings for the past 40 years. In these circumstances, the third respondent has decided to demolish the existing buildings in the said Vegetable Market and reconstruct the same vide Na.Ka.No.1037/2023/E1, dated 29.01.2024 and a sum of Rs.5,32,00,000/- has been allotted for the same. Subsequently, G.O.Ms.No.45, dated 08.12.2023 tender has been called for, but the same has not been informed to the petitioner's Association.

4. For the construction of the aforesaid new buildings, the third respondent has conducted Public Opinion Meeting on 31.01.2024 regarding demolition of existing buildings and construction of new buildings, in which,



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the petitioner's Association was invited to take part. In the said meeting, it was orally informed to the petitioner's association by the third respondent that to vacate shops immediately, as they intend to demolish the existing buildings in the said vegetable Market within 3 days. Hence, on 31.01.2024 the petitioner's Association sent a representation to the respondents requesting to allot temporary place nearby the said existing vegetable market and given preference to the petitioner's association members in the proposed New Vegetable Market Building. But the respondents have not considered the same and hence, the petitioner has approached this Court by way of filing the present Writ Petition for the relief stated supra.

5. The learned Special Government Pleader appearing for the respondents submit that appropriate direction may be given to the respondents to consider the petitioner's application, dated 31.01.2024, in accordance with law, within a time frame.

6. Considering the limited scope of the prayer sought for by the petitioner, this Court, without going into the merits of the case, directs the petitioner's Sangam to approach the second respondent to enable him to consider the representation sent on 31.01.2024 afresh and pass appropriate



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orders on merits and in accordance with law, within a period of three weeks from the date of receipt of a copy of this order.

7. It is made clear that the petitioner cannot seek for any preference in the proposed New Vegetable Market Building. As per the Apex Court Judgement, only public auction has to be held and if the petitioner and other bidder quotes the same amount then petitioner can be considered.

8. With the above directions, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

07.02.2024

Index : Yes/No
Internet: Yes/No
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To

1. The District Collector,
Tenkasi District,
Tenkasi.

2. The Tahsildar,
Tenkasi Taluk,
Tenkasi District.



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V.BHAVANI SUBBAROYAN,J

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