



W.P(MD)No.6133 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.6133 of 2024

and

W.M.P.(MD)Nos.5761 and 5762 of 2024

Dhinasari Naalangadi Viyabarigal Sangam,

Rep. by its Vice Secretary,

K.Chandrasekaran.

... Petitioner

Vs.

The Commissioner,

Sankarankovil Municipality,

Tenkasi District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records of the impugned Notification in Na.Ka.No.1110/2024/C1 dated 28.02.2024 on the file of respondent and quash the same as illegal.

For Petitioner : Mr.K.Jeyamohan

For Respondent : Mr.P.T.Thiraviyam,
Government Advocate.



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ORDER

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Heard both sides.

2.The members of the petitioner association were occupants of shops belonging to the respondent municipality. The respondent municipality proposed to demolish the same and construct a new complex. The writ petitions were filed before this Court. The petitioner filed W.P.(MD)No.17127 of 2022. It was disposed of on 13.12.2023 in the following terms:-

“4.I, therefore direct the local body to identify a temporary place from where the licensees of the old market can carry on their business. This shall be done by the local body within a period of two weeks from the date of receipt of a copy of this order. The petitioners and other licensees will have to move to the newly identified place with effect from 01.01.2024. The local body will complete the work of constructing the new bus stand and new market within an outer time limit of six months from today ie., 13.12.2023. The rights of the petitioners and other licensees to be allotted shops in the new market will be governed by the Tamil Nadu Urban Local Bodies Rules”

3.The shopping complex has been constructed and tender notification has also been issued. The petitioner challenges the same on the ground that preferential treatment has not been accorded to the existing occupants.



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4. When the matter was taken up for hearing, the learned Government Advocate for the local body submitted that the members of the petitioner association will be entitled to preferential as set out in Section 316 of the Tamil Nadu Urban Local Bodies Act, 2023. In other words, if the members match the highest offer, they will be given preference and not otherwise.

5. The learned counsel for the petitioner submits that the members of the petitioner association may be issued with applications. As a special case, the members of the petitioner association are permitted to obtain tender application by 12.00 noon on 15.03.2024 and they have to submit the application by 01.00 pm on 15.03.2024. He further submits that near the complex proposed to be opened, there is a huge garbage dumb yard.

6. The respondent is directed to ensure that in the vicinity of a vegetable market, there is no garbage dumb yard.

7. This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

14.03.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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Issue order copy on 15.03.2024.



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G.R.SWAMINATHAN, J.

ias

To:-

The Commissioner,
Sankarankovil Municipality,
Tenkasi District.

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