



W.P(MD)No.6005 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.6005 of 2024
and
W.M.P(MD)Nos.5641 to 5643 of 2023

P.Vijaykumar

... Petitioner

Vs.

1.The District Collector,
Nagercoil,
Kanyakumari District.

2.The Executive Officer,
Kanyakumari Special Grade Town Panchayat,
Kanyakumari,
Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.700/2023/A2 dated 01.02.2024 and the consequential impugned order in Na.Ka.No. 108/2024/A2 dated 29.02.2024 on the file of the second respondent and quash the same as illegal and consequently forbear the second respondent from evicting the petitioner without following the due process of law.



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For Petitioner : Mr.S.Rajasekar

For Respondents : Mr.K.S.Selvaganesan
Additional Government Pleader
for R.1 & R.2

ORDER

Heard both sides.

2. The petitioner's license period has already expired. He has been asked to vacate the shop. The second respondent proposes to conduct fresh auction.

3. The learned counsel appearing for the petitioner wants this Court to grant the same relief again vide order dated 20.10.2023 in W.P(MD)No.25678 of 2023 (K.Sivaram Vs The District Collector, Nagercoil, Kanyakumari District & another) etc batch. Paragraph 4 of the said order reads as follows:

“4. The learned senior counsel would submit that this Rule may not have an application in the case of the petitioners because they are paying only ground rent to the local body and that the superstructure belongs to



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them. Be that as it may, issues will have to be necessarily answered only by the Hon'ble Division Bench. It is for this reason, the impugned notices are directed to be put on hold. The rights of the parties will abide by the outcome of Review Application No.178 of 2023.”

I am not in a position to adopt the very same approach in this case because the petitioner is not a party to the review application. No relief can be granted.

4. This writ petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

12.03.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

To

1. The District Collector,
Nagercoil,
Kanyakumari District.

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2.The Executive Officer,
Kanyakumari Special Grade Town Panchayat,
Kanyakumari,
Kanyakumari District.

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