



W.A(MD)No.852 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.04.2024

CORAM :

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

**W.A(MD)No.852 of 2024
and
CMP(MD)Nos.6345 and 6346 of 2024**

Kaliyammal

... Appellant

vs.

- 1.The Director,
O/o. Directorate of Town Panchayat,
No.7th and 8th Floor,
Urban Administrative Office Campus,
Chennai-600 028.
- 2.The District Collector,
Dindigul District,
Dindigul.
- 3.The Assistant Director,
O/o. Assistant Directorate of Town Panchayat,
Dindigul District.
- 4.The Executive Officer,
Palayam Town Panchayat,
Dindigul District.

... Respondents

Prayer : Appeal filed under Clause 15 of the Letters Patent, against the order dated 02.04.2024 made in W.P(MD)No.8348 of 2024.



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For Appellant : Mr.S.Doraisamy
For Respondents : Mr.S.Shaji Bino, Special Government Pleader

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JUDGMENT

(Judgment of the Court was made by **R.SURESH KUMAR, J.**)

This writ appeal has been directed against the order passed by the Writ Court dated 02.04.2024 made in W.P(MD)No.8348 of 2024.

2. The auction conducted on 15.03.2024 by the respondent Town Panchayat, for giving licence to some shop holders, had been questioned before the Writ Court, which was negated by the Writ Court, by the order impugned.

3. As against which, though this writ appeal has been directed and Mr.S.Doraisamy, learned counsel appearing for the appellant has raised two grounds, one is that, the Tamil Nadu Urban Local Bodies Act, 1998, will not have an application on the Town Panchayat and second reason is that, since a resolution has already been passed by the respondent Town Panchayat to put off the auction proposed to be conducted on 15.03.2024, in case, the Election Code of Conduct is implemented prior to that, these two grounds could not be sustained, for the simple reason that, the Tamil Nadu Urban Local Bodies Act, 1998, certainly would be made applicable to the Town Panchayat also, in view



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of Section 2(45) as well as Section 4(1) of the said Act.

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5. The second ground also is not justifiable, because, the Election Code of Conduct has come into effect from 16.03.2024, before which, since the auction was conducted, it would not have affected the auction. Therefore, these two grounds though unsuccessfully raised by the learned counsel appearing for the appellant, ultimately, the learned counsel has requested that, since the appellant is an existing licensee, if third party right is created, he has to vacate the shop in question and to hand over the vacant possession to the Town Panchayat, for which, he requires a breathing time of 15 days.

6. Mr.S.Shaji Bino, learned Special Government Pleader who takes notice for the respondents, has been heard.

7. In view of the said submission made by the learned counsel appearing for the appellant, the order passed by the Writ Court, which is impugned herein, cannot be assailed successfully. Therefore, it is to be sustained. Accordingly, the writ appeal has to fail. However, the dismissal would not preclude the appellant from taking 15 days time from today to vacate the shop in question and to hand over the vacant possession to the respondent



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Town Panchayat. Only after 15 days, if still the appellant continues to be in possession or occupation without vacating the shop, any coercive action can be taken by the Executive Officer of the Town Panchayat concerned in the manner known to law.

8. With these observations, the Writ Appeal is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

(R.S.K., J.)

(G.A.M., J.)

29.04.2024

Index : Yes / No
Neutral Citation : Yes / No
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