



W.P.(MD)No.30337 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.12.2024

CORAM

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.(MD)No.30337 of 2024

and

W.M.P(MD)Nos.25517 and 25519 of 2024

R.Gopala Krishnan

... Petitioner

Vs.

1.The Director of Town Panchayat,
O/o.The Director of Panchayat,
7th and 8th Floor,
Urban Administrative Office Campus,
Chennai - 28.04.2023

2.The District Collector,
Tirunelveli District,
Tirunelveli.

3.The Assistant Director of Town Panchayat,
Tirunelveli Region,
Tirunelveli District.

4.The Executive Officer,
Special Grade Town Panchayat,
Valliyur,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned tender notification in Na.Ka.No.416/2024/A3, dated 02.12.2024



W.P.(MD)No.30337 of 2024

on the file of the fourth respondent and quash the same as illegal and consequently direct the fourth respondent to notify the auction in accordance with Rule 316 with specific emphasis to Sub-Rule 11 of the Tamil Nadu Urban Local Bodies Rules by providing preference to the existing licensee within the time frame stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy,
Senior Counsel
For M/s.Roy and Roy Associates

For R1 to R3 : Mr.S.Kameshwaran
Government Advocate

For R4 : Mr.H.Arumugam
Standing Counsel

ORDER

The writ petition has been filed challenging the order passed by the fourth respondent, dated 02.12.2024, and consequently, directing the fourth respondent to notify the auction in accordance with Rule 316 with specific emphasis to Sub-Rule 11 of the Tamil Nadu Urban Local Bodies Rules by providing preference to the existing licensee within the time frame stipulated by this Court.

2. With the consent of both parties, the writ petition is taken up for final disposal at the stage of admission itself.



W.P.(MD)No.30337 of 2024

WEB COPY

3. The petitioner's father was the lessee of the shop in Shop No.9 in Arignar Anna Pudhiya Perunthu Nilayam, Valliyur. After the demise of the petitioner's father, the petitioner was continuing the business of sweet stall for the past several years. The lease was renewed in favour of the petitioner from April 2021 to March 2024 on enhanced rent of Rs.8,575/-. The petitioner was paying the rent to the fourth respondent without any default. While so, the fourth respondent vide impugned proceedings in Na.Ka.No.416/2024/A3, dated 02.12.2024, issued tender notification calling for public auction of the said shops without providing any preference to the existing licensees. Aggrieved by the same, the petitioner filed the above writ petition for the aforesaid relief.

4. According to the petitioner in the earlier round of litigation in W.P(MD)No.16149 of 2022, etc., batch, this Court directed the respondents to permit the existing licensees to match the highest bid that is fetched in the new auction and if the existing licensees matched the highest bid, they were to be given preference and awarded license. As the said direction was not incorporated in the impugned order, the petitioner apprehending that he would not be given preference filed the above writ petition.



W.P.(MD)No.30337 of 2024

WEB COPY

5. The learned counsel for the petitioner submitted that in the impugned tender notification, protection given to the petitioner in Paragraph No.5 of the order in W.P(MD)No.16149 of 2022 was not incorporated and therefore, the impugned order needed to be set aside.

6. The learned counsel for the fourth respondent, on instructions, submitted that the fourth respondent undertakes to abide by the directions issued by this Court in Paragraph No.5 of the order, dated 14.02.2023.

7. This Court in W.P(MD)No.16149 of 2022, etc., batch, in Paragraph No.5 held as follows:

"5. After the new shops are constructed in the new bus stand, they shall be brought to public auction. The existing licensees shall be permitted to match the highest bid that is fetched in the new auction. The auction shall be conducted in a transparent manner and the entire proceedings will be videographed. If the exiting licensees match the highest bid, they will be given preference and awarded license. Such a preferential treatment is given to the existing licensees because they have been asked to vacate the shops even during the subsistence of the license period. The licensees will be given alternative accommodation and also preferential treatment in the auction to be conducted next year after the construction of the shops only if they clear all the outcoming arrears on or before 31.03.2023. Subject to payment of arrears, alternative accommodation shall be provided immediately and without delay. Of course, the persons who have already been given accommodation shall not be disturbed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed."



W.P.(MD)No.30337 of 2024

WEB COPY

Though the said direction is not incorporated in the impugned tender notification, the learned counsel for the fourth respondent on instructions submitted that the fourth respondent would abide by the directions in Paragraph No.5.

8. In the light of the said protection and the undertaking given by the fourth respondent that the fourth respondent would abide by the aforesaid directions of this Court, I find that the apprehension of the petitioner is unfounded and impugned tender notification calls for no interference. The undertaking of the fourth respondent is recorded and the writ petition is accordingly disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

13.12.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
SN



W.P.(MD)No.30337 of 2024

To:

- 1.The Director of Town Panchayat,
O/o.The Director of Panchayat,
7th and 8th Floor,
Urban Administrative Office Campus,
Chennai - 28.04.2023
- 2.The District Collector,
Tirunelveli District,
Tirunelveli.
- 3.The Assistant Director of Town Panchayat,
Tirunelveli Region,
Tirunelveli District.
- 4.The Executive Officer,
Special Grade Town Panchayat,
Valliyur,
Tirunelveli District.



WEB COPY



W.P.(MD)No.30337 of 2024

N.MALA, J.

SN

W.P.(MD)No.30337 of 2024

13.12.2024