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Writ Petition No.755 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2025

CORAM :

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

**Writ Petition No.755 of 2025
and WMP Nos.919, 920 & 921 of 2024**

- 1.K.Saravanan
- 2.P.theeththu
- 3.K.Thilagam
- 4.C.Anandhan
- 5.V.Prabhu
- 6.P.Sathik basha
- 7.M.Abdul Kaium
- 8.Mr.G.Raguraman
- 9.G.Amutha
- 10.V.Venkatesan
- 11.R.Karunanithi
- 12.P.nagaraj
- 13.A.Stalin
- 14.D.Archana
- 15.N.Santhosh
- 16.K.Sarveshkumar
- 17.G.Gopikannan



Writ Petition No.755 of 2020

18.P.Thamilarasan

19.M.Shanmugam

20.M.Santhi

21.S.Yaraf

22.A.Rathinam

23.E.Kanjana

24.T.Saravanan

25.C.Ramachandra

26.S.Srinivasan

.... Petitioners

-Vs-

1.The Commissioner of Municipal Administration
Department of Municipal Administration
Ezhilagam, Chepauk, Chennai 600 052.

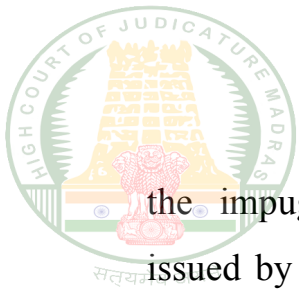
2.The Director of Town Panchayat
Kuralagam, Chennai-28.

3.The Assistant Director of Town Panchayats
Dharmapuri Division,
Dharmapuri District.

4.The Executive Office
Harur Town Panchayat
Harur Post and Taluk
Dharmapuri District 636903.

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certioratified Mandamus, to call for records relating to



Writ Petition No.755 of 2025

the impugned tender notification dated 02.01.2025 Na.a.No.1027/2024/A2 issued by the 4th respondent and to quash the same and consequently directing the respondents to give preferential allotment of shops to petitioners without conduction public auction by fixing fair rent as fixed by the government and deposits.

For Petitioners : Mr.P.Muthusamy

For Respondents : Mr.S.Rajesh
Government Advocate for R1 to R3

Mr.R.U.Dinesh Rajkumar
Additional Government Pleader for R4

ORDER

The petitioners,Shop holders were having commercial shops in the bus stand area of Harur Town Panchayat. It had been stated that the allotment was made to them in the year 2017. The learned counsel for the petitioners stated that they were running petty shops, barber shop, tea shop and petty beeda shops.

2.It had been stated that they had been asked to vacate the premises since the bus stand was to be demolished and reconstructed. Now the bus stand had been demolished and reconstructed. Shops have been built in the said bus stand. The learned counsel for the petitioners claims that the petitioners have a right to



be allotted to the shops once again. But unfortunately that is not the position of law. When they were initially allotted shops, in the year 2017, in the allotment order which is enclosed along with the documents, one of the condition is that if the bus stand is to be reconstructed then the petitioners will have to vacate without raising any objections and must hand over possession to the Harur Municipality. The petitioners had therefore vacated and handed over their possession. When they vacated and handed over possession, the terms of assignment had lapsed and stood frustrated. There was no longer any juridical relationship between the petitioners and the respondents. The respondents have now taken a decision to auction the shops. The petitioners may also participate in the auction and abide by the terms and conditions of the auction notice. The respondents must give an opportunity to the petitioners to match the particular highest bid. If the petitioners come forward to pay that highest bid, then they could be allotted the shops.

3. There is yet another issue relating the deposit amount paid at the time of initial allotment in the year 2017. The learned counsel states that the said amount could be adjusted with deposit amount now demanded by the respondents. Adjustment cannot be possible but the petitioners are at liberty to



Writ Petition No.755 of 2025

forward a separate representation seeking refund of the earlier secured deposit earlier paid and the respondents may take a considered decision on such representation if at all such representation is given.

4.Placing an obligation on the petitioners to take a decision to participate in auction if they so desire, but holding that they have no right to be allotted without participating in the auction, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

10.01.2025

Index : Yes/No

NCS : Yes/No

KP

To

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Writ Petition No.755 of 2025

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Writ Petition No.755 of 2025



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Writ Petition No.755 of 2023

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