



W.P.Nos.32516 and 24193 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.32516 and 24193 of 2025

And

W.M.P.Nos.36442 and 27226 of 2025

- 1.Ganesan
- 2.A.Najmudin
- 3.Murugan Sithan
- 4.K.Ansarali
- 5.Subramanian
- 6.Baskar
- 7.Chandrasekaran
- 8.R.SenthilKumar

... Petitioners in W.P.No.32516/2025

- 1.Ithayathulla
- 2.T.Ravikumar
- 3.Nagarajan
- 4.R.Sri Ramalu
- 5.R.Ravichandran
- 6.Vinoth
- 7.Asokan
- 8.Mohan

... Petitioners in W.P.No.24193/2025

Vs.

- 1.The Secretary,
Tamil Nadu Municipal Administration,
75, Urban Administrative Building,
Santhome High Road,
MRC Nagar,
Raja Annamalaipuram,
Chennai – 600 028.



W.P.Nos.32516 and 24193 of 2025

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2.The District Collector,
Collectorate Office,
Kallakurichi – 606 202
Tamil Nadu.

3.The Commissioner,
Kallakurichi Municipality,
Kallakurichi Municipality Office,
Kallakurichi – 606 202
Tamil Nadu.

... Respondents in both the W.Ps.

Common Prayer:

Petitions filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the third respondent in Na.Ka.No.0384/2025/A2 dated 02.06.2025 and quash the same as illegal, arbitrary, unjust, whimsical and untenable and consequently, direct the third respondent to act in accordance with its proceedings in Na.Ka.631/2021 dated 09.05.2024.

For Petitioners : Mr.Avinashwadhvani

For Respondents : Mr.AM.Ayyadurai for R1 and R2
Government Advocate
Mr.P.Srinivas for R3

COMMON ORDER

These petitions have been filed seeking issuance of Writ of Certiorarified Mandamus to call for the records of the third respondent



W.P.Nos.32516 and 24193 of 2025

WEB COPY

in Na.Ka.No.0384/2025/A2 dated 02.06.2025 and quash the same as illegal, arbitrary, unjust, whimsical and untenable and consequently, direct the third respondent to act in accordance with its proceedings in Na.Ka.631/2021 dated 09.05.2024.

2.Since the issue involved in these writ petitions are interrelated, they are heard together and disposed of by way of a common order.

3.The learned counsel appearing for the petitioners submitted that the petitioners are engaged in retail vegetable business at Nehru Market, Kallakurichi. The market was established by the State Government nearly three decades ago when the locality was under the jurisdiction of Town Panchayat. Upon constitution of the Kallakurichi Municipality, the administration and governance of the market was transferred to the Municipality. The petitioners are doing business pursuant to valid individual lease agreement for each shop dated 09.05.2024 executed with the third respondent and the term of lease was from 01.04.2024 to 31.03.2027. Whiles, the third respondent issued the impugned order proposing to demolish the entire existing market structure and construct a new one in its place and directing the



W.P.Nos.32516 and 24193 of 2025

WEB COPY

lessees to vacate their respective shops and to hand over possession to the third respondent.

4.The learned counsel appearing for the petitioners further submitted that the issue involved in the present case is no longer res integra. This Court has already considered similar issue in ***W.P.Nos.31990 of 2025 etc., batch*** dated ***28.08.2025*** [***Venkatesh Vs. The District Collector, Kallakurichi and another***] and has directed the second respondent therein to give preferential allotment to the petitioners therein in the newly constructed building by invoking Rule 316 of the TNULB Rules. The learned counsel prayed to extend the very same benefit to the petitioners herein.

5.The learned counsel appearing for the third respondent raise no objection for this Court extending the very same relief granted to the petitioners in W.P.Nos.31990 of 2025 etc., batch dated 28.08.2025 to the petitioners herein.

6.Heard the arguments advanced on either side and perused the materials available on record.



W.P.Nos.32516 and 24193 of 2025

WEB COPY

7. Admittedly, the petitioners are engaged in retail vegetable business at Nehru Market, Kallakurichi pursuant to valid individual lease agreement for each shop dated 09.05.2024 executed with the third respondent and the term of lease was from 01.04.2024 to 31.03.2027. Whiles, the third respondent issued the impugned order proposing to demolish the entire existing market structure and construct a new one in its place and directing the lessees to vacate their respective shops and to hand over possession to the third respondent.

8. The issue involved in the present case is no longer res integra. This Court has already considered similar issue in **W.P.Nos.31990 of 2025 etc.,** dated **28.08.2025 [Venkatesh Vs. The District Collector, Kallakurichi and another]**, the relevant portion of which reads as follows:

"8. From the photographs produced by the learned Standing counsel for the respondents, it appears that the building is in a dilapidated condition. Though the respondents are justified in contending that the building needs immediate demolition, I find merit in the petitioners' contention that they are entitled to



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W.P.Nos.32516 and 24193 of 2025

preferential allotment under Rule 316 of the TNULB Rules.

9. Under the facts and circumstances of the case, this Court is inclined to issue the following directions:

(i) The second respondent shall give preferential allotment to the petitioners in the newly constructed building, by invoking Rule 316 of the TNULB Rules.

(ii) The second respondent shall, for the purpose of granting preferential allotment to the petitioners, enter into a Memorandum of Understanding with the petitioners, within a period of two weeks from the date of receipt of a copy of this order.

(iii) On execution of the Memorandum of Understanding, the petitioners shall, within four weeks thereafter, vacate the shops and handover the same to Municipality.

With the above observations and directions, these Writ Petitions are disposed of. Consequently, connected Miscellaneous Petitions are closed. No costs."



W.P.Nos.32516 and 24193 of 2025

WEB COPY

9. In view of above, this Court, grants the very same relief granted to the petitioners in W.P.Nos.31990 of 2025 etc., batch, dated 28.08.2025 by this Court, to the petitioners herein.

10. The writ petitions are disposed of on the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

15.09.2025

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

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7/8



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W.P.Nos.32516 and 24193 of 2025

M.DHANDAPANI,J.
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W.P.Nos.32516 and 24193 of 2025
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