



WEB COPY



W.P.No.38981 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2025

CORAM:

THE HONOURABLE MR. JUSTICE C.V. KARTHIKEYAN

W.P.No.38981 of 2024
and WMP.Nos.42223, 42224 of 2024 & 300 of 2025

1. M.Moorthy
2. V. Muthulakshmi
3. G. Indumathi
4. G. Sivasankari
5. Kavitha ... Petitioners

Vs

1. Union of India
Rep.by The Chief Secretary
to Government
Government of Puducherry
Chief Secretariat,
Goubert Avenue,
Puducherry 605 001.
2. The Secretary to Government (LAD)
Local Administration Department,
Government of Puducherry



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Chief Secretariat,
Goubert Avenue,
Puducherry 605 001.

3. The Commissioner (Local Administration Department)
cum – Secretary to Government
Government of Puducherry
Chief Secretariat
Goubert Avenue,
Puducherry – 605 001.

4. The Director
Local Administration Department (LAD),
No.16, Rue Suffren
Near Bussy Street,
Puducherry 605 001.

5. Pondicherry Municipality
Rep.by its Commissioner
Having office at Kamban Kalai Arangam,
Bussy Street,
Puducherry 605 001.

6. The Revenue Officer,
Pondicherry Municipality
Having Office at Kamban Kalai Arangam,
Bussy street,
Puducherry 605 001.

7. P. Pougajendy

8. S.Sethilkumaran

9. Arun



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10. M.Dhandapani

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11. D. Geetha

... Respondents

Respondents 7 to 11 are impleaded as per the order of this Court dated 06.01.2025 in WMP.No.300 of 2025 in WP.No. 38981 of 2024

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus to direct the respondent Nos.1 to 5 to consider and take appropriate action on the representations dated 09.12.2024 submitted by the petitioners for allotment of 31 Nos. of shops/stalls, space earmarked for running restaurants, etc., constructed in the Puducherry Integrated Smart Bus Terminus by conducting public auction through e-tender process as it was done for two wheeler parking and public toilets.

For Petitioners : Mr.Prakash Adiapadam

For Respondents : Mr.R.Sreedhar
Addl.Govt.Pleader (Puducherry)
for R1 to R6

Mr.L.Ravichander
for R7 to R11

ORDER

This writ petition has been filed for issuance of a Writ of



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Mandamus to direct the respondent Nos.1 to 5 to consider and take appropriate action on the representations dated 09.12.2024 submitted by the petitioners for allotment of 31 Nos. of shops/stalls, space earmarked for running restaurants, etc., constructed in the Puducherry Integrated Smart Bus Terminus by conducting public auction through e-tender process as it was done for two wheeler parking and public toilets.

2. There were existing shops in the Puducherry Bus Terminus. A proposal was put up to demolish the Bus Terminus and put up a fresh Bus Terminus. Naturally those who were running the shops were worried that their businesses would be affected or more importantly when a new Bus stand is constructed they would not be given any preference while allotting shops and that third party strangers would take advantage of this fact and try to get shops allotted to them.

3. The writ petitioners seek that there must be an e-auction conducted before the allotment of shops to anyone. Instructions have been obtained wherein it had been stated that as a concept, the



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respondents have taken a decision to auction the shops. But this leads to examination of the issue of those who were already in possession of shops. It is only appropriate that some protection is granted to them since midway through their lease period they have been forced to vacate to enable the respondents to put up the construction of a new Bus stand. Had this proposal not come upon, then the existing shop owners would have continued to do their business. During the period when the construction took place they were out of business and they could have suffered loss as they have invested amounts. But the concept is not to allot shops on preferential basis but to any individual but to bring them on auction.

4. The following directions are therefore issued:-

Respondents 1 to 6 are directed to bring on auction each one of the shops which are now being reconstructed at Puducherry Integrated Smart Bus stand. Whenever the bid amount is received and the highest bid amount is determined, the persons who were running the shops before the demolition of the bus stand may be given an option to match the highest



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bid. If anyone of the shop keepers agree to such proposal to give an equal amount, then preference shall be given to such individual who were already running the shops to be allotted the shops. If the existing shop owners are not interested in giving an equal amount as that of the highest bid then the individual who had come up with the highest bid shall be allotted the shop. This would also apply to those to whom an assurance was given that on payment of arrears under the agreement which has since become frustrated owing to demolition of the bus stand. A fresh agreement necessarily has to be drawn and for that purpose, auction has to be conducted and the aforementioned procedure will have to be followed.

5. This order has been passed after hearing the learned counsel who had filed WMP.No.300 of 2025. The petitioners therein are impleaded as parties to the proceedings. The existing shop owners will have to clear the arrears of rent payable as on the date of demolition, if they seek to participate in the auction.



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6. Accordingly, the writ petition is disposed of. No costs.

Consequently, connected miscellaneous petitions are also closed.

06.01.2025

dpq

Index: Yes/No

Speaking order / Non speaking order

To

1. The Union of India

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C.V.KARTHIKEYAN, J.

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