



W.P.(MD) No. 19645 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No. 19645 of 2025

Kannaki Ilanko

... Petitioner

Vs.

1. The State of Tamil Nadu,
Principal Secretary,
Municipal Administration,
Secretariat,
Fort St. George,
Chennai - 600 009.

2. The Commissioner,
Ramanathapuram Municipality,
Ramanathapuram.

3. The District Collector,
Ramanathapuram.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for



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issuance of Writ of Mandamus, to direct the respondents Nos.1 to 3 to immediately include freedom fighter (including daughters) under reservation / preferential category in Tender Ref. 934/2025/A1, dated 30.06.2025 and quash the same.

For petitioner : Mr. S.Nivedha Priyadharshini

For respondents : Mr.D.Ghandiraj
Special Government Pleader for R1 & R3
Mr.Ajmal Khan
Additional Advocate General-I
Asst. by Mr.K.Saravanan
Standing Counsel for R2

ORDER

This Writ Petition is disposed of at the time of admission with the consent of the learned counsel for the petitioner, learned Special Government Pleader for the respondents 1 and 3 and learned Additional Advocate General-I for the second respondent.

2. This Writ Petition has been filed for a Mandamus to direct the respondents Nos.1 to 3 to immediately include freedom fighter (including



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daughters) under reservation / preferential category in Tender Ref. 934/2025/A1, dated 30.06.2025 and quash the same.

3. The petitioner has approached this Court after the period prescribed in the Notification issued by the second respondent on 30.06.2025 has expired.

4. It is noticed that the petitioner has neither sent an representation earlier nor the provisions of the Tamil Nadu Urban Local Bodies Rules, 2023 framed under Section 198 of the Tamil Nadu Urban Local Bodies Act, 1998, *vide* G.O. (Ms).No.45, Municipal Administration, Water Supply (Election) Department, dated 12.04.2023 permits the licencing or leasing of immovable properties as is contemplated in Part-III of the aforesaid Rules on preferential basis to descendants/children of freedom fighters.

5. A reading of Rules 316(11)(a) and (c) makes it clear that priority is confined only for the categories mentioned therein. It reads under:

“316. Licencing or leasing of Immovable Properties -



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<i>(11) (a) In case of auction for licence of rental shops belonging to the municipality, the Council may, on application by the concerned person, give preference to,—</i> <i>(i) In case of demolition and reconstruction, existing licensees of the demolished shopping complex;</i> <i>(ii) Licensees of another shopping complex belonging to the municipality which was demolished or diverted to some other use by the municipality;</i> <i>(iii) Commercial shop owners in lands acquired by the municipality;</i>	<i>(11)(c) Five per cent of the shops may be allotted to persons with disability, willing to match the highest bid.</i>
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6. Therefore, there is no scope for entertaining this Writ Petition as no mandamus can be issued contrary to the provisions of the aforesaid Rules. At best, the petitioner can send a representation to the Government for amending the aforesaid Rules.

7. It appears that the petitioner has only sent a representation to the second respondent on 28.01.2025, which has been rightly rejected on the following date by the second respondent on 29.01.2025 as the second respondent has no powers to issue order to amend the Notification contrary to the provisions of the aforesaid



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Rules. Therefore, this Writ Petition is liable to be dismissed.

8. However, it is open to the petitioner to send a suitable representation to the first respondent to amend the Rules for including a special category for preferential allotment in the ensuing tenders by amending the Rules.

9. With the above liberty, this Writ Petition is dismissed. No costs.

Index : Yes / No
Internet : Yes / No
apd

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To

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C.SARAVANAN, J.

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