



Rev.Apl.W (MD) Nos.173 & 178 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.07.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

**Rev.Apl.W (MD) Nos.173 & 178 of 2023
and
W.M.P.(MD) Nos.17742, 18855 & 18857 of 2023**

Rev.Apl.W (MD) No.173 of 2023:

1.M.H.Nazar

2.M.Ranjith Kumar

3.G.Johnson

... Petitioners

-vs-

1.P.Saravanan

2.The Secretary to Government
Finance Department
Fort St.George
Chennai-600 009

3.The Secretary to Government
Municipal Administration
Urban and Water Supply Department
Fort St.George
Chennai-600 009



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4.The Commissioner of Municipal
Administration
O/o.Commissionerate of
Municipal Administration
No.78, Urban Administrative Building
Santhome High Road
Chennai-600 028

5.The District Collector
Kanyakumari District
at Nagercoil

6.The Assistant Director of
Town Panchayat
Collector Office Campus
Nagercoil
Kanyakumari District

7.The Executive Officer
Kanyakumari Special
Grade Town Panchayat
Kanyakumari
Kanyakumari District

... Respondents

PRAYER: Review Application filed under Order XLVII Rule 1 read with
Section 114 of the Code of Civil Procedure, against the order dated 01.08.2023
made in W.P.(MD) No.28639 of 2022.

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

For Respondents : Mr.S.P.Maharajan
Special Government Pleader for R2 to R7

Rev.Apl.W (MD) No.178 of 2023:



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- 1.N.Nesamani
- 2.R.Lakshmanan
- 3.R.Abdullah
- 4.G.John Bosco
- 5.N.Peer Mohammed
- 6.R.Sudalaiyadum Perumal
- 7.T.Madasamy
- 8.V.Rajasekar
- 9.A.Prabakaran
- 10.Iyappan
- 11.A.Byzal Ubaskan
- 12.M.Ali Usian
- 13.S.Maharajan
- 14.C.Vijaya Chokkalingam
- 15.V.Manikandan
- 16.A.Eranglin Sasi
- 17.V.Josapin Gilda
- 18.K.Pandian
- 19.P.Shankar



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21.V.Agnes

22.C.Vellammal

23.A.Muthupandi

24.A.Augstin

25.A.Pushpa

26.A.Jabbar Ali

27.M.Madhavan

28.C.Lakshmanan

29.V.Indra

30.C.Rajan

31.R.Iyappan

32.S.Panneer Selvam

33.M.Syed Asan Kadhar

34.T.Thangaraj

35.S.Dhas

36.S.Gurusamy

37.T.Sasikala

38.L.Gandhimathi

39.P.Iruveen Jeyakumari



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40.J.Royappan

41.P.Anthony Punithan

42.R.Sekar

43.G.Nagammal

44.J.Ponnuchan

45.K.Sudalaiyandi

46.C.Kannan

47.S.Baghavathiyappan

48.C.Tamil Selvan

49.S.Shahul Hammed

50.I.Muthusamy

51.E.Balu

52.S.Abubakkar

53.S.Ayammal

54.K.Subramaniyan

55.A.Ubald

56.M.Shahul Hameed

57.P.Vijayan

58.S.Sundaram



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60.S.Kalidoss

61.C.Araokiyam

62.M.Josephin

63.A.Thilai Nadarajan

64.C.Yesudas

65.K.Muniyammal

66.M.Ayyadurai

67.V.Padmanathan

68.C.Mani

69.E.Veeran

70.C.Elango Mani

71.P.Agavin Rajaregam

72.N.Ramesh Kannan

73.D.Micheal Raj

74.D.Xavier Rajan

75.V.Ubakara Kevin

76.V.Francis Subin

77.S.Thanga Selvamani

78.S.Perumal



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79.C.Madhavan

80.D.Michal Raj

81.T.Ari

82.P.Rajan

83.K.John Kilpert

84.Parvathi Ammal

85R.Krishna Moorthi

86.S.Subramaniam

87.E.Joseph Peter

88.P.Krishna Pillai

89.C.Iyappan

90.T.Thiraviyam

91.C.Mariya Jebastin

92.V.Thanga Rathina Muthu

93.O.Manikandan

94.I.Esapius Rajesh

95.P.Murugan

96.M.Sivakumar

97.M.Rubus



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99.S.Preman

100.P.Mariappan

101.M.Kormis

102.D.Charles

103.D.Charles

104.A.Rajendra Prasath

105.P.R.Mani

106.P.Krishna Pillai

107.P.Kannagi

108.K.Ravanan

109.P.Jeyaraj

110.P.James

111.D.John Xavier Rajan

112.K.Sivaram

113.A.Devasahayam

114.S.Sekar

115.P.Kumar

16.P.Kumar

117.P.Krishna Pillai



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- 118.S.Rajammal
- 119.K.Ravanan
- 120.S.Perumal
- 121.T.Virgi
- 122.S.Thangaselvamani
- 123.A.Mari
- 124.K.Kannappan
- 125.G.Antony
- 126.A.Baby
- 127.L.Sundaramani
- 128.R.Raj
- 129.R.Aathithan
- 130.A.Royappan
- 131.A.Rosammal
- 132.S.Mohan Raj
- 133.P.Kumar
- 134.P.Bagavathiappan
- 135.C.Padmavathi
- 136.P.Pushparaj



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WEB COPY 137.C.Livingstone Dhas

138.D.Charles

139.E.Muthusamy

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PRAYER: Review Application filed under Order XLVII Rule 1 read with Section 114 of the Code of Civil Procedure, against the order dated 01.08.2023 made in W.P.(MD) No.28639 of 2022.

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

For Respondents : Mr.G.Aravinthan for R1
Mr.S.P.Maharajan
Special Government Pleader for R2 to R7

COMMON ORDER

[Order of the Court was made by S.M.SUBRAMANIAM, J.]

The present review petitions have been filed seeking to review the order dated 01.08.2023, passed in W.P.(MD) No.28639 of 2022.



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2. Learned Senior Counsel appearing for the review petitioners wound mainly contend that, while disposing of the above writ petition, this Court recorded the statement of the Executive Officer, Kanyakumari Special Grade Town Panchayat, who is the sixth respondent in the writ petition, to go for auction in terms of G.O.(Ms.) No.92, Municipal Administration and Water Supply (Na.Ni.4) Department, dated 03.07.2007. But, subsequently, the Government issued a revised Government Order in G.O.(2pa) No.66, Municipal Administration and Water Supply (Na.Ni.4) Department, dated 06.08.2024. Therefore, the present review petitions came to be filed.

3. Pertinently, the above Government Orders lost its relevance on account of Rule 316 of the Tamil Nadu Urban Local Bodies Rules, 2023 (in short, “the Rules, 2023”).

4. Sub Clause (b) to Sub Rule (11) of Rule 316 of the Rules, 2023, reads as under:

“(b)(i) Any person claiming such preference shall be required to match the highest bid price and submit necessary documents proving eligibility for preference;



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(ii)The order of preference shall be in the same order as in clause (a) and within each category, the preference shall be in order of seniority within that category with respect to the month and year of demolition or acquisition;

(iii)Preference in allotment shall not be applicable to legal heirs of such persons if the said person is deceased;”

5. When the Rules, 2023, notified in exercise of the powers conferred by Section 198 of the Tamil Nadu Urban Local Bodies Act, 1998, stipulate the manner by which preference has to be granted to the existing lessees, the said Rules will prevail over the Government Order, if any issued. Government Orders running counter to the provisions of the Act and the Rules cannot be enforced and thus, after framing of the Rules, 2023, under the provisions of the Tamil Nadu Urban Local Bodies Act, 1998, the said Rules alone will prevail over for the purpose of granting preference to the existing lessess of the commercial shops and buildings owned by the Local Bodies.

6. With the above clarification, these review applications are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.



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[S.M.S., J.]

[D.B.C., J.]

30.07.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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