



W.A(MD)No.361 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.02.2025

CORAM:

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

W.A(MD)No.361 of 2025

R.Pandian

... Appellant/Petitioner

VS.

1.The District Collector,
O/o.District Collector,
Collectorate Post,
Dindigul – 624 004.

2.The Corporation Commissioner,
O/o.Dindigul Corporation,
Main Road,
Dindigul – 624 001.

... Respondents/Respondents

PRAYER : Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 23.09.2024 made in W.P(MD)No.22415 of 2024 on the file of this Court.



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For Appellant : Mr.M.Sheik Abdullah
For R – 1 : Mr.S.S.Madhavan
Additional Government Pleader
For R – 2 : Mr.J.Lawrance
Standing Counsel

JUDGMENT

(Judgment of the Court was delivered by J. NISHA BANU, J.)

The present Writ Appeal is directed against the order passed by the Writ Court dated 23.09.2024 made in W.P(MD)No.22415 of 2024.

2.The appellant/writ petitioner has filed the Writ Petition to direct the second respondent to allot one shop to the appellant/writ petitioner attached to the complex situated at Kamarajar Bus stand, Dindigul Corporation, Dindigul as per undertaking memo given by the second respondent and subsequently, the Directorate of Municipal Administration issued a circular dated 19.08.2024.

3.The learned Single Judge of this Court, vide order dated 23.09.2024, dismissed the Writ Petition, wherein it is held as follows:



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“4. When the petitioner was posed a question as to the need for filing such suit, it is the contention of the petitioner that seeking for allotment of shop, the suit has been filed.

5. While it is the case of the petitioner that he has filed a suit, the copy of the judgment and decree has not been annexed in the typed set of papers. When it is brought to the notice of this Court that the relief originally asked was only for a suit for bare injunction, the suit has already been dismissed. Now it appears that the building has already been demolished and new construction is over. When similarly situated persons approached this Court by filing batch of writ petitions in WP(MD) Nos. 19769/2021 etc., this Court has dismissed those writ petitions by order dated 29.11.2021. The petitioner was also one of the party before this Court, which has been suppressed. Now the shops have been auctioned and new tenants have been inducted, at this stage, by suppressing all these facts, the petitioner cannot seek a mandamus.

6. Accordingly, the writ petition is dismissed. No costs.”

4.The learned counsel appearing for the appellant/writ petitioner would submit that the petitioner was allotted a shop in the Dindigul Town Bus Stand in the year 2017. While so, a notice has been issued by the second respondent to demolish the same. Hence, the petitioner filed a suit in O.S.No.501 of 2017 on the file of the Additional District Munsif Court, Dindigul for



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injunction. During the trial, the second respondent filed a undertaking memo on 17.04.2018 in I.A.No.1961 of 2017 declaring and assuring that one shop would be allotted to the appellant/writ petitioner out of the forty shops being constructed at the Kamarajar Bus Stand, Dindigul Corporation, Dindigul, but not acted as promised by the second respondent.

5.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6.Perusal of the records would reveal that in the earlier round of litigation, when similarly situated persons approached this Court by filing batch of Writ Petitions in W.P(MD)No.19769 of 2021 etc., batch, in which, the appellant/writ petitioner has also filed a Writ Petition in W.P(MD)No.20425 of 2021 and this Court, by common order dated 29.11.2021 in W.P(MD)No.19769 of 2021 etc., batch, dismissed all the Writ Petitions. Challenging the order passed in the Writ Petition in W.P(MD)No.19769 of 2021 etc., batch, the appellant/writ petitioner has not preferred any appeal.



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7. Without exhausting any appeal remedy, the appellant/writ petitioner, who was also one of the party in W.P(MD)No.19769 of 2021 etc., batch, has filed the Writ Petition and the learned Single Judge has rightly dismissed the Writ Petition. Hence, we do not find any infirmity or illegality in the order passed by the learned Single Judge. Accordingly, this Writ Appeal stands dismissed. There shall be no as to costs.

[J.N.B.,J.] & [S.S.Y.,J.]
25.02.2025
(1/2)

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



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To

- 1.The Superintendent of Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Pudukottai,
Pudukottai District.
- 2.The Executive Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Operation and Maintenance,
Alangudi,
Pudukottai District.



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and
S.SRIMATHY, J.

ps

ORDER MADE IN
W.A(MD)No.361 of 2025

DATED : 25.02.2025
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