



W.A.No.2937 of 2025 and batch cases

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

WA Nos.2937, 2928, 2929, 3472, 3109, 3111, 3138, 3033, 3035,
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3466, 3467, 3379, 3114, 3115, 2835, 2864, 3358, 2871, 2935, 3108,
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3377, 3470, 3370, 3372, 2981, 2990, 2926, 3361, 3360, 3373, 3149,
3355, 2829, 3106, 3091, 3092, 3366 and 3367 of 2025

and

CMP Nos.27404, 27487, 28307, 28310, 29967, 27465, 23697, 23775,
24169, 24186, 24227, 29871, 29874, 29929, 29935, 29962, 28328,
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30030, 30027, 29972, 23703, 24119, 23709, 24076, 25337, 27395,
24529, 25342, 29965, 30059 and 23693 of 2025

W.P.No.2937 of 2025:

D.Jaikumar,
S/o.Dhoddiah Chettiar,
41/76, TDK Road,
Coonoor, The Nilgiris.

Appellant(s)

Vs



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1. The Regional Director of Municipal Administration,
Tirupur.
2. The Commissioner,
Coonoor Municipality, The Nilgiris.

Respondent(s)

PRAYER in W.A.No.2937 of 2025: Appeal under Clause 15 of the Letters Patent to set aside the order dated 26.08.2025 passed by the learned Single Judge in W.P.No.23317 of 2025.

and batch cases

For Appellant(s)
in all Writ Appeals:

Mr.Karthik Ranganathan

For Respondent(s)
in all Writ Appeals:

Mr. Abishek Moorthy
Standing Counsel
for R1

Mr. M.Suresh Kumar
Additional Advocate General assisted
by Dr. T.Seenivasan
Special Government Pleader (Forests)
for R2

COMMON JUDGMENT

(Delivered by the Hon'ble Chief Justice)

Since common questions of facts and law are involved in these batch of writ appeals, the same have been heard analogously and are being decided by this common judgment.



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2. The appellants herein filed the writ petitions seeking issuance of a certiorarified mandamus to quash the notice dated 12.6.2025 issued by the second respondent and to forbear the respondents from in any manner evicting or disturbing the appellants from carrying on business in various shops in the Coonoor Municipal Market, The Nilgiris.

3. After hearing learned counsel on either side, the learned Single Judge disposed of the writ petitions with the following observations and directions:

"7. It is undisputed that the Government of Tamil Nadu has allotted Rs.41.50 crores for the construction of new daily market shopping complex for the Coonoor Municipality. A tender process was conducted, contractor was identified and work order was also issued stipulating the completion period as within two years from 06.11.2024 for demolition and reconstruction of the market complex. The petitioners do not dispute that the market complex needs immediate demolition and reconstruction. These writ petitions were filed solely on the ground



that sufficient time was not granted to the petitioners for relocation and that the temporary place identified for relocation did not have basic amenities. It was only to address the petitioners grievance an Advocate Commissioner was appointed and report was sought for. It is the respondent's specific case that all the deficiencies pointed out by the learned Advocate Commissioner were rectified and the incomplete works were also completed.

8. In my view, once the petitioners admit that the Coonoor market complex needs demolition and reconstruction it would be in nobody's interest to delay the project of demolition and reconstruction of the market complex. As rightly contended by the learned Special Government Pleader if, the work is not commenced immediately, the monsoon which is round the corner would set in and the project would be further delayed resulting in escalation of project costs.

9. In view of the above said facts and circumstances of the case, this Court is inclined to issue the following directions:-



(1)The respondents shall issue the allotment order for the temporary shops to the petitioners within a period of two weeks from the date of receipt of a copy of this order.

(2)On receipt of the allotment order for the temporary shops, the petitioners shall vacate the shops from the market complex within a period of one week thereafter and hand over the vacant possession to the respondents.

(3)The petitioners are permitted to apply for fresh license depending on the expiry of license period.

(4)The respondents shall ensure that all concerns of the petitioners regarding basic amenities in the temporary location are addressed promptly.

(5)The respondents are directed to allot the temporary shops to the petitioners on the basis of the nature of business conducted by them and other lessees.

(6)The petitioners are directed to pay the additional remuneration of Rs.50,000/- (Rupees Fifty Thousand Only) to the learned Advocate Commissioner."

4. Assailing the aforesaid order dated 26.8.2025, the unsuccessful petitioners have filed these intra-court appeals under Clause 15 of the Letters Patent.



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5.1. Learned counsel for the appellants contended that the learned Single Judge did not consider the specific prayer of the appellants in the writ petition that there was no necessity to demolish the buildings, as they were strong. He further submitted that the learned Single Judge also did not consider the fact that no sufficient time was granted to the appellants for relocation and that the temporary place identified for relocation did not have the basic amenities.

5.2. The next plank of the submission made by learned counsel for the appellants is that the procedure for demolition and reconstruction of a building which is occupied, as held in a catena of decisions of the Supreme Court and this court is that a notice has to be issued to the occupants; inspection has to be conducted to assess the stability of the building; the stability report has to be shared with the occupants; eviction notice has to be issued; and thereafter demolition is to take place. However, the respondents have straightaway issued the impugned notice directing eviction, in violation of the aforesaid procedure and the learned Single Judge



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has not considered the same. He, therefore, pleaded that the order passed by the learned Single Judge deserves to be set aside.

6.1. Per contra, learned counsel for the respondents submit that the Government of Tamil Nadu had already allotted Rs.41.50 crore for construction of new daily market shopping complex for the Coonoor Municipality. The tenders were invited, contractor was identified and work order was also issued stipulating the completion period as within two years from 6.11.2024. The appellants have failed to challenge the tender process and also not impleaded the tenderer as one of the respondents in the writ petitions. In the absence of challenge to the tender process and in view of the non-joinder of necessary party, the learned Single was right in disposing of the writ petitions with the directions, referred supra.

6.2. It is further submitted that, in fact, the appellants have not disputed that the market complex needs immediate demolition and reconstructions. The writ petitions were filed solely on the ground that sufficient time was not granted for the appellants for relocation and the temporary place identified does not have basic



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amenities. With a view to address the aforesaid grievance of the petitioners, an Advocate Commissioner was appointed and report was sought. The defects pointed out in the report of the Advocate Commissioner were rectified and incomplete works were also completed. Once the appellants admitted that the market complex needs demolition and reconstruction, they cannot now take a somersault and state that the building was in a good condition or that sufficient time for relocation was not granted. Once there is an admission on the part of the appellants, no further relief could have been granted by the learned Single Judge and, therefore, the order passed by the learned Single Judge does not warrant any interference. These appeals, being devoid of merits, are liable to be dismissed.

7. We have heard learned counsel for the parties and perused the records.

8. The learned Single Judge, while disposing of the writ petitions, has categorically stated that the appellants did not dispute that the market complex needs immediate demolition and



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reconstruction. Moreover, as per the conditions laid down in paragraph (9) of the order passed by the learned Single Judge, the appellants cannot be displaced without issuing any allotment order for the temporary shops. It is only after issuing allotment order for temporary shops, the appellants can be made to vacate the shops from the market complex and handover the vacant possession. The learned Single Judge has also permitted the appellants to apply for fresh license, after the expiry of the license period.

9. Moreover, the Building Structural Stability Report issued by the experts clearly states that the building is in a dilapidated condition and considering the age of the building and its condition, the same has to be demolished, as in case of any emergency, proper evacuation is not possible. Such expert opinion cannot be lightly disregarded by the court.

10. In view of the aforesaid, we do not find any error in the order passed by the learned Single Judge. Writ appeals are, accordingly, dismissed.



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There shall be no order as to costs. Consequently, connected interim applications stand closed.

(SUSHRUT ARVIND DHARMADHIKARI,CJ) (G.ARUL MURUGAN,J)

01.04.2026

Index : Yes/No
Neutral Citation : Yes/No
sasi

To:

1. The Regional Director of Municipal Administration,
Tirupur.
2. The Commissioner,
Coonoor Municipality, The Nilgiris.



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THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN,J.

(sasi)

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