

WP.(MD)No.12517 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved On : 15.06.2026

Pronounced On : 23.06.2026

CORAM

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR
AND
THE HON'BLE MR.JUSTICE M.JOTHIRAMAN**

WP.(MD)No.12517 of 2026

and

W.M.P.(MD)No.9435 of 2026

K.C.Radha Krishnan

... Petitioner

Vs.

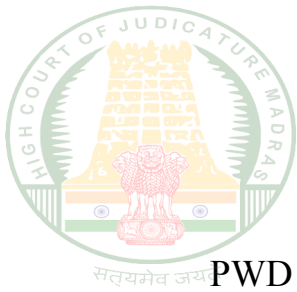
1.The State of Tamil Nadu
Rep.by its Chief Secretary
Public Department
Fort St George
Chennai-600 009.

2.The Secretary,
Public Works Department,
Fort St.George, Chennai-600 009.

3.The District Collector,
Nagercoil, Kanyakumari District-629 001.

4.The Commissioner,
Nagercoil Corporation,
Nagercoil, Kanyakuamari District-629 001.

5.The Executive Engineer,
Public Works Department,



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PWD Office, Nagercoil,
Kanyakumari District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issuance of Writ of Mandamus, directing the respondents to forbear from shifting of disturbing the present vegetable market functioning in the Kanagamoolam Market in Survey No.E20/44, Vadasery, Kanyakumari District since 2017.

For Petitioner : Mr.Isaac Mohanlal,
Senior Counsel,
for Mr.H.Thayumanaswamy.

For R4 : Mr.B.Saravanan,
Additional Advocate General,
Assisted by
Mr.F.Deepak,
Standing Counsel

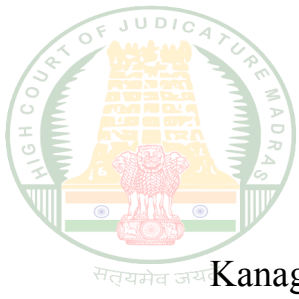
For R1 to R3
& R5 : Mr.C.Jeganathan,
Counsel for State.

ORDER

(Order of this Court was delivered by **M.JOTHIRAMAN J.**)

This writ petition has been filed in the name of 'Public Interest Litigation' seeking a direction to the respondents to forbear from shifting of disturbing the present vegetable market functioning in the

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Kanagamoolam Market in Survey No.E20/44, Vadasery, Kanyakumari District since 2017.

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2.(a).The instant writ petition is filed against the decision of the Nagercoil Corporation in shifting and relocation of Kanagamoolam Market located at Vadasery by proposing new market complex without adherence to the legal requirement, which would endanger the safety of the public at large. According to the writ petitioner, the said Kanagamoolam market is a historically important place in the District. It is one of the oldest market, which has been in existence since the 18th century. The property in which the market is located was originally classified as 'Amma Vahai Nilam'. The said land was then surrounded with water body. After State reorganization, the District of Kanyakumari got merged with Tamil Nadu. In the land belonging to PWD, the respondents had constructed a sub-urban bus stand namely, Christopher Bus Stand. That apart, there is one Omini Bus Stand, which is meant for private buses and there in another Bus Stand, namely Anna Bus Stand, where the local buses are operated. The respondents have constructed another market, namely, Uzhavar Santhai. In the year 2016, the then



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Nagercoil Municipal Corporation proposed for construction of structure for market and allotted several Crores of Rupees for construction of 262 shops in the market. The shops were allotted by way of auction. This is only vegetable market available for the large population of Nagercoil. Nagercoil is planning to construct a new building with only 100 shops for the purpose of market, in the land belonging to public works department, which is adjacent to the present market.

2.(b).It was reported in the local newspapers that the Nagercoil Corporation has resolved to construct a new Bus Stand by expanding the current bus stand including Kanagamoolam Market by demolishing the shops in the current Kanagamoolam Market. There is absolutely no necessity for demolishing a building which is less than 9 years old and construct new building. The said Kanagamoolam Market area is not suitable for the expansion of terminal bus stand, as it would result in severe traffic congestion in and around Vadaseri, Nagercoil Town. Without obtaining prior approval under Section 75-A of the Tamil Nadu Urban Local Bodies Act, 1998, no project can be undertaken.



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3.The learned Senior Counsel appearing for the petitioner would submit that the respondent Corporation has not been following the due mandatory procedures stipulates under law. The bus terminal integrated with markte falls within 'commercial infrastructure projects' under Section 75-A of the Tamil Nadu Urban Local Bodies Act, 1998. That being so, such a project can be undertaken only with the prior approval of the Government. Any bus terminal projects in Tamil Nadu, a detailed project followed by an estimate, appraisal and then administrative sanction is required. Also, as per the Tamil Nadu Combined Development and Building Rules, 2019 require prior to commencement of such project, both planning permission and building permission is required.

4.The learned Senior Counsel further would submit that where an existing functional public market with 262 shops is proposed to be demolished and replaced with only 100 shops, the respondents should make known underlying approvals, structural basis for demolition and relocation and consideration of objections and representations. However,

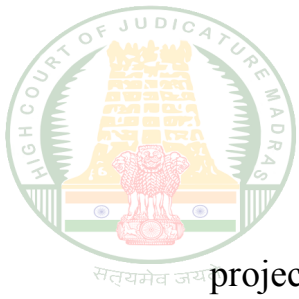


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without following due procedures, the project has been set into motion in a totally arbitrary manner. The Corporation has not obtained prior approval as contemplated under Section 58 of the Tamil Nadu Town and Country Planning Act, 1971.

5.The learned Additional Advocate General appearing for the fourth respondent would submit that the existing bus stands, particularly the Anna bus stand established in 1974, are facing infrastructural deterioration, congestion and causing inconvenience to the public. Vadaseri Christopher bus stand caters to inter-state and inter-district buses. Similarly, Anna bus stand caters to inter-district buses and Vadaseri Omni bus stand caters to private inter-state and inter-district bus service. Therefore, the integrated bus terminal project has been conceived in public interest to provide unified transport facilities, improved passenger amenities and efficient traffic circulation and sustainable urban infrastructure. A Comprehensive Detailed Project Report (DPR) has been prepared for the project. As part of DPR, a detailed Environmental and Social Impact Assessment (ESIA) has also been undertaken. The Corporation is committed to implementing the



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project in compliance with environmental safeguards and socio-economic protection measures identified in ESIA. The Corporation is constructing a new commercial market complex adjacent to the existing Kanagamoolam Market under the Capital Grand Fund & Operation and Maintenance Deficit Grant Fund 2025-2026 scheme. The said project provides for the construction of 100 shops units along with parking facilities and essential infrastructure amenities. 50% of the construction work has been completed.

6.The learned Additional Advocate General further would submit that as per G.O.(Ms)No.66, Municipal Administration and Water Supply Department, dated 06.08.2024, the Corporation is examining the feasibility of extending allotment/rehabilitation benefits to the occupants of the existing Kanagamoolam Market. The integrated bus terminal project is a major public infrastructure project intended to improve transport connectivity, safety measures and civic amenities and delay in implementation of the project would adversely affect the public interest. The occupants in the said market have already filed separate writ petitions and the same are pending. In such circumstances, the present



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writ petition has been filed in the name of public interest litigation, which is un-sustainable in law. The petitioner has no locus-standi to seek any injunction against the official respondents to stop the proposed bus terminal project.

7.We have considered the submissions made on either side and perused the available records carefully.

8.The instant writ petition is filed against the decision of the Nagercoil Corporation in shifting and relocation of Kanagamoolam Market located at Vadasery by proposing new market complex without adherence to the legal requirement.

9.It is seen from the records that the Government of Tamil Nadu, Municipal Administration & Water Supply (MA2) Department, vide G.O. (Ms)No.01, dated 02.01.2026 sanctioned a sum of Rs.69.87 Crores for the construction of an integrated bus stand terminal at Nagercoil. As per the status report filed by the fourth respondent/Corporation, pursuant to the above said Government Order, an E.Tender Notification dated

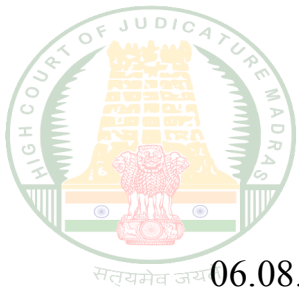


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24.12.2025 was issued inviting online tenders to be submitted on or before 10.02.2026. The tenders were opened on 10.02.2026 and the technical bids were under evaluation. As per the status report, a Detailed Project Report (DPR) has been prepared for the project. As part of DPR, a detailed Environmental and Social Impact Assessment (ESIA) has also been undertaken. The Corporation is committed to implementing the project in compliance with environmental safeguards and socio-economic protection measures identified in ESIA. It is also stated that all the existing shop occupants shall be eligible for compensation, irrespective of whether their lease is subsisting or expired. Totally 125 persons have been identified and a sum of Rs.121.90 Lakhs has been earmarked towards compensation and assistance. The list of affected persons has been prepared and it is available on record.

10.It is also mentioned in the status report that the project provides for the construction of 100 shop units along with parking facilities and essential infrastructure amenities and about 50% of the construction work has been completed. It is also stated that as per G.O.(Ms)No.66, Municipal Administration and Water Supply Department, dated



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06.08.2024, the Corporation is examining the feasibility of extending allotment/rehabilitation benefits to the occupants of the existing Kanagamoolam Market. Any proposal for allotment or rehabilitation, including cases requiring relaxation or deviation from the conditions stipulated in the Government Order, will be placed before the competent authority for necessary approval and further action will be taken based on the decisions so obtained and in accordance with applicable statutory provisions.

11. At this juncture, it is relevant to refer Section 58 of the Tamil Nadu Town and Country Planning Act, 1971, which reads as follows:-

*“58. Development undertaken on behalf of any State Government or Central Government or local authority.-
(1) When any department of any State Government or the Central Government or any local authority intends to carry out development of any land or building, the officer-in-charge thereof shall inform, in writing, the planning authority concerned the intention to do so, giving full particulars thereof, and accompanied by such plans and documents atleast thirty days before undertaking such development: Provided that in case where any local authority is the local planning authority under this Act, it*



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shall inform the fact of any such proposed development to the regional planning authority concerned within whose jurisdiction such local authority is situated.”

A reading of the above provision, it is understood that any development of any State Government or any local authority intends to carry out development of any land or building, the officer-incharge shall inform in writing, intention of planning authority with full particulars. There is no specific condition to obtain permission from any authorities, rather it specifies that informing about the project with full particulars alone sufficient.

12.This Court is of the view that as per status report filed by the fourth respondent/Corporation, the integrated bus terminal project is a major public infrastructure project intended to improve transport connectivity, passenger safety and civic amenities. The project is supported by a Detailed Project Report, in which, environmental safeguards and social impact assessment from integral components. Even prior to the administrative sanction of the bus terminal project, the Corporation initiated the construction of a new commercial market complex to ensure that the livelihoods of the existing occupants are not



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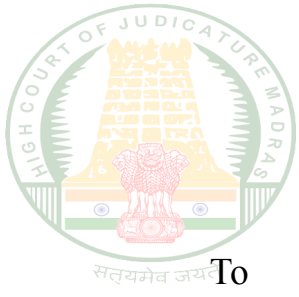
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adversely affected. Therefore, the reasons set out by the petitioner in his affidavit are not sufficient from restraining the respondents from shifting the market. There is no merit in this writ petition and the same is liable to be dismissed.

13.In the result, this writ petition is dismissed. No costs.
Consequently, connected miscellaneous petition is closed.

[N.S.K., J.] & [M.J.R., J.]
23.06.2026

NCC : Yes / No
Index : Yes / No
gns



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Public Department
Fort St George
Chennai-600 009.

2.The Secretary,
Public Works Department,
Fort St.George, Chennai-600 009.

3.The District Collector,
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Public Works Department,
PWD Office, Nagercoil,
Kanyakumari District.



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N.SATHISH KUMAR,J.
and
M.JOTHIRAMAN, J.

gns

Pre-Delivery Order made in
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