

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.12.2015

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THE HON'BLE Mr. JUSTICE K.KALYANASUNDARAM

W.P.No.41029 of 2015

and

M.P.No.1 of 2015

K.Sellappan

... Petitioner

vs.

The Commissioner,
Namakkal Municipality,
Namakkal Taluk and District

.... Respondent

Writ Petition has been filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, forbearing the respondent, their men, agents and subordinates from evicting the petitioner from his possession and occupation of Shop No.7, Weekly Market Complex, Namakkal, without following a reasonable procedure of law.

For Petitioner : Mr.S.Santhan
for M/s.Sai Naam Associates

For Respondent : Mr.Raja Mathivanan

O R D E R

Mr.Raja Mathivanan, learned Standing counsel takes notice for the respondent. By consent, the writ petition itself is taken up for final disposal, at the admission stage itself.

2.The petitioner has filed this writ petition, seeking issuance of writ of Mandamus, forbearing the respondent, their men, agents and subordinates from evicting him from the possession and occupation of Shop No.7, Weekly Market Complex, Namakkal, without following due procedure of law.

3.It is the case of the petitioner that he has taken on lease Shop No.7, Weekly Market Complex, Namakkal, belonging to the respondent Municipality, for running a retail and wholesale business in egg and he has been doing business in the said premises for the past 38 years. It is also the case of the petitioner that he has been regularly paying the lease rent,

without any default. While so, on 30.11.2015, the officials of the respondent Municipality orally directed the petitioner and others to vacate and handover possession of the shop premises within 30 days and they have also obtained undertakings from the petitioner and others to the effect that they are agreeing to vacate the shop premises on or before 31.12.2015. It is also stated that the officials assured that alternative shops will be provided in the nearby vicinity. However, without issuing any notice or affording an opportunity of hearing, the respondent Municipality is now taking steps to vacate the petitioner. Hence, the petitioner is before this Court with this writ petition.

4. Heard the learned counsel for the petitioner as well as the respondent.

5. The learned counsel for the respondent Municipality submitted that the petitioner has given a letter dated 1.12.2015, agreeing to vacate the shop in question, within a period of 30 days. It is further submitted that the respondent Municipality are taking steps to demolish the entire old shops, constructed in front of the Namakkal Municipality and construct a new building.

6. In view of the above submission and in view of the undertaking letter given by the petitioner, dated 1.12.2015, agreeing to vacate the shop within a period of 30 days, I do not find any merit in the writ petition and accordingly, the writ petition is dismissed. No costs. Connected miscellaneous petition is dismissed.

Sd/-

Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

msk
To

The Commissioner,
Namakkal Municipality,
Namakkal Taluk and District

1 cc to Mr.M. Raja Mathivanan, Advocate, Sr. 69756
1 cc to Mr. Sai Naam Associates, Advocate, sr. 69758

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