



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.08.2017

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. (MD) Nos.14372 & 14373 of 2017

and

W.M.P (MD) Nos.11274 & 11275 of 2017

S.P.Allikodi

... Petitioner in WP (MD) No.14372/17

K.Padmavathi

... Petitioner in WP (MD) No.14373/17

Vs.

The Commissioner,
Usilampatti Panchayat Union,
Panchayat Union Office,
Usilampatti,
Madurai District.

... Respondent in both petitions

PRAYER: Writ Petitions have filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondent from evicting the petitioners from their respective shops in shop Nos.98 & 99, situated between the weekly market and daily market in Usilampatti Panchayat Union Vegetable Weekly Market, Usilampatti, Madurai District without following due process of law.

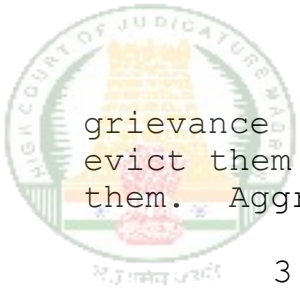
For Petitioners : Mr.T.Lajapathi Roy
(In both petitions)

For Respondent : Mr.G.Muthukannan,
(In both petitions) Government Advocate

COMMON ORDER

These writ petitions have been filed to issue a Writ of Mandamus, forbearing the respondent from evicting the petitioners from their respective shops.

2.The case of the petitioners is that they were engaged in the business of selling vegetables in the place between the weekly market and daily market and they were allotted shop nos.98 & 99, between the weekly market and daily market area, by the respondent, vide his proceedings in Na.Ka.No.822/08/A7, dated 03.04.2008, for a rent of Rs.240/- per month. But later on, the respondent refused to receive the rent amount, which forced the petitioners to file a writ petition. Thereafter, an escalated rent amount of Rs.575/- per month, as per G.O.Ms.No.92, dated 03.07.2007, was regularly paid by the petitioners to the respondent, without fail. While so, the



grievance of the petitioners is that the respondent is trying to evict them from their respective shops, without giving any notice to them. Aggrieved by the same, the petitioners are before this Court.

3. Heard the learned counsel appearing on all sides.

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4. The learned Government Advocate appearing for the respondent submitted that without having any licence, the petitioners are continuing in the shops and they are not inclined to pay the prevailing market rent, so as to consider their claim, which is stoutly refuted by the learned counsel appearing for the petitioners.

5. Under such circumstances, to give quietus, this Court directs the respondent to issue notice to the petitioners, fixing the monthly rent payable and if it is agreeable by the petitioners, they are directed to file an affidavit before the respondent, to that effect. On such filing, necessary caution deposit as well as rent amount shall be collected from the petitioners and thereafter they may be permitted to occupy the said shops. Otherwise, it is always open to the respondent to take appropriate action for auctioning the said shops.

6. With the above direction, these writ petitions are disposed of. No Costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar

To

The Commissioner,
Usilampatti Panchayat Union,
Panchayat Union Office,
Usilampatti,
Madurai District.

+ 2 CC TO Mr. T. LAJAPATHI ROY, ADVOCATE IN SR No. 69947 & 69948

GK/SMN

TE/MR-KKR/SAR-IV : 16/08/2017 : 2P/4C

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