



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.10.2017

CORAM:

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P(MD) Nos.18302 to 18305 of 2017

and

W.M.P(MD) Nos.14757 to 14764 of 2017

M. Shanthi	... Petitioner in W.P(MD) No.18302/17
M. Leelamani	... Petitioner in W.P(MD) No.18303/17
S. Sundarambal	... Petitioner in W.P(MD) No.18304/17
M. Saravanan	... Petitioner in W.P(MD) No.18305/17

Vs.

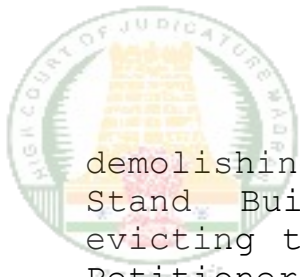
Thuraiyur Municipality,
Rep. by its Commissioner,
Thuraiyur,
Trichy District.

... Respondent in all cases

PRAYER in W.P(MD) No.18302/17: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned Order in Na.Ka.No. 1992/2017/E1 dated 18.09.2017 on the file of the Respondent and quash the same as illegal and consequently for a direction, forbearing the respondent from demolishing the Petitioner's Shop No. 087/17 situated in Anna Bus Stand Building, Thuraiyur Municipality, Trichy District and evicting the petitioner without providing alternative Shop to the Petitioner either in alternative place or by way of entering into agreement with the petitioner for providing shop by way of reinduction in the new building in the existing place.

PRAYER in W.P(MD) No.18303/17: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned Order in Na.Ka.No. 1992/2017/A1 dated 18.09.2017 on the file of the Respondent and quash the same as illegal and consequently for a direction, forbearing the respondent from demolishing the Petitioner's Shop No. 087/20 situated in Anna Bus Stand Building, Thuraiyur Municipality, Trichy District and evicting the petitioner without providing alternative Shop to the Petitioner either in alternative place or by way of entering into agreement with the petitioner for providing shop by way of reinduction in the new building in the existing place.

PRAYER in W.P(MD) No.18304/17: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned Order in Na.Ka.No. 1992/2017/A1 dated 18.09.2017 on the file of the Respondent and quash the same as illegal and consequently for a direction, forbearing the respondent from



demolishing the Petitioner's Shop No. 087/15 situated in Anna Bus Stand Building, Thuraiyur Municipality, Trichy District and evicting the petitioner without providing alternative Shop to the Petitioner either in alternative place or by way of entering into agreement with the petitioner for providing shop by way of reinduction in the new building in the existing place.

PRAYER in W.P(MD)No.18305/17: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned Order in Na.Ka.No. 1992/2017/A1 dated 18.09.2017 on the file of the Respondent and quash the same as illegal and consequently for a direction, forbearing the respondent from demolishing the Petitioner's Shop No. 087/16 situated in Anna Bus Stand Building, Thuraiyur Municipality, Trichy District and evicting the petitioner without providing alternative Shop to the Petitioner either in alternative place or by way of entering into agreement with the petitioner for providing shop by way of reinduction in the new building in the existing place.

For Petitioner : Mr.T.Lajapathi Roy
(In all cases)
For Respondent : Mr.M.Rajarajan,
(In all cases) Standing Counsel

C O M M O N O R D E R

As the issue involved in all these writ petitions are one and the same, they are disposed of by this common order.

2. These writ petitions have been filed by the petitioners, seeking a Writ of Certiorarified Mandamus, to quash the impugned order of the respondent dated 18.09.2017 and to forbear the respondent from demolishing their shops without allotting alternate shops.

3. The facts of the case, in nutshell, is as follows:

3.1. The petitioners were allotted with certain shops by the respondent Municipality, viz., shop nos.087/17, 087/20, 087/15, 087/16 respectively, in the Anna Bus Stand Building, Thuraiyur Municipality, Trichy District and by proceedings dated 20.05.2015, their respective lease period was renewed for a further period of three years. While so, the respondent has passed the present impugned order, directing the petitioners to vacate and hand over the possession, as they proposed to demolish the shops which are in a dilapidated condition.

3.2. As the petitioners are having the lease period upto 2018, they are aggrieved by this order of the respondent and hence they are before this Court, questioning the impugned order and further seeking a direction to the respondent to demolish their



shops only after allotting alternate shops.

4. On the other hand, the learned Standing Counsel appearing for the respondent submitted that as the shops allotted to the petitioners are in a dilapidated condition, which may collapse at any time, the authorities, having no other option, had decided to demolish the same and construct a fresh building there.

5. This Court, in the earlier rounds of litigation, in order to safeguard the interest of both the parties, directed the learned Standing Counsel to get instructions about the availability of alternate shops, so as to accommodate the petitioners.

6. Pursuant to the said direction, the learned Standing Counsel, on instructions, submitted that at present two alternate shops are available and as per seniority, petitioners in W.P(MD) Nos.18302 & 18303 of 2017 shall be accommodated in the same, up to 31.03.2018, since the lease period itself is going to expire on 31.03.2018. Insofar as the petitioners in W.P(MD) Nos.18304 & 18305 of 2017 are concerned, the learned Standing Counsel fairly submitted that as and when the proposed construction gets over, their representation/claim for alternate shop shall be considered, on merits, by the authorities. He further submitted that in order to get along with the construction process, the petitioners shall be directed to vacate the premises.

7. Heard the learned Counsel appearing for the petitioners as well as the learned Standing Counsel appearing for the respondent Municipality.

8. Considering the facts and circumstances of the case as well as the submissions of the learned Standing Counsel, this Court is inclined to issue the following directions:

i) all the petitioners are directed to vacate and hand over the premises, forthwith.

ii) the respondent, as agreed, is directed to provide alternative shops for the petitioners in W.P(MD) Nos.18302 & 18303 of 2017 up to 31.03.2018 and thereafter, it is for the respondent to conduct auction, in the manner known to law.

iii) insofar as the petitioners in other two writ petitions are concerned, the respondent is directed to consider the claim of the petitioners, for the remaining lease period, after completion of the proposed construction, on merits and in accordance with law.

9. These writ petitions are disposed of, in the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Records)



To

The Commissioner,
Thuraiyur Municipality,
Thuraiyur,
Trichy District.

+3ccs to Mr.T.Lajapathi Roy, Advocate, SR.No.82442

W.P (MD) Nos.18302 to 18305 of 2017
10.10.2017

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