

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE SMT JUSTICE T.RAJANI

WRIT APPEAL NO.544 OF 2009

JUDGMENT: {Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan}

This appeal, under Clause 15 of the Letters Patent, is preferred against the order passed by the learned Single Judge in WP.No.3687 of 2009 dated 16.03.2009.

The appellants herein filed the Writ Petition seeking a direction to declare the action of the third respondent in issuing a notice to the petitioners, to vacate the business premises over the land belonging to the third respondent, as arbitrary and illegal. The third respondent-Gram Panchayat appears to have permitted the petitioners earlier to utilise the land, earmarked for the vegetable market, to carry on their business. The petitioners also appear to have raised some constructions thereupon. Thereafter, on budget being sanctioned by the State Government for construction of a building for the vegetable market, the petitioners were directed to vacate the premises under their occupation. In the order under appeal, the learned Single Judge observed that, after the market complex is constructed, the Gram Panchayat should consider the cases of the petitioners for allotment of shops and accord priority to them, other things being equal.

By way of an interlocutory order dated 23.04.2009, *status quo* as on that date was directed to be maintained, and, consequently, the appellants-writ petitioners have been continuing in the said premises ever since.

The fact that the said land belongs to the third respondent-Gram Panchayat is not in dispute. It is also not in dispute that the Government has sanctioned budget to construct the vegetable market complex. The mere fact that the petitioners are carrying on business thereat does not confer any right over them to be continued in perpetuity. The learned Single Judge has adequately safeguarded the appellant-writ petitioners' interests, and has directed that they be given priority, other things being equal. We see no reason to interfere with the order of the learned Single Judge.

The Writ Appeal fails and is, accordingly, dismissed. The appellants shall vacate the premises within one (1) month from today failing which it is open to the respondents to proceed and evict them in accordance with law. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand dismissed.

(RAMESH RANGANATHAN, ACJ)

(T.RAJANI, J)

12th July 2017
RRB