

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.5622 of 2018  
and  
W.M.P.No.6946 of 2018

Govindaraj

.. Petitioner

Versus

The Commissioner,  
Villupuram Municipality,  
Villupuram.

.. Respondent

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus, calling for the records of the respondent in respect of his proceedings in Na.Ka.No.7098/2014/A5, dated 01.03.2018 and quash the same and thereby permit the petitioner to repair the premises in Shop No.3, Municipal Buildings, Old bus stand complex, Nehruji road, Villupuram to prevent any danger as per Section 218(1) of the Tamilnadu District Municipalities Act, 1920.

For Petitioner : Mr.N.Suresh

For Respondents : Mr.V.Jayaprakash Narayanan  
Standing Counsel

O R D E R

This writ petition has been filed challenging the order of the respondent dated 01.03.2018.

2. Heard Mr.N.Suresh, learned counsel for the petitioner and Mr.V.Jayaprakash Narayanan, learned Standing Counsel appearing for the respondent and perused the material documents available on record.

3. The learned counsel for the petitioner would submit that the petitioner is a lessee of the premises of the respondent-Municipality, in Shop No.3, Municipal Buildings, Old Bus Stand Complex, Villupuram and they were directed to

vacate the premises on or before 14.3.2018.

4. Mr.V.Jayaprakash Narayanan, learned Standing Counsel appearing for the respondent-Municipality submitted that the very same petitioner has approached this Court by filing a writ petition in W.P.No.29058 of 2017, challenging the order of the respondent. This Court, after considering the facts of the case and that the building was in dilapidated condition, directed the lessees to vacate the premises within a period of four months. This order was passed only in compliance of the order passed by this Court in the earlier batch of writ petitions.

5. In reply, the learned counsel for the petitioner submitted that the petitioner has not filed any writ petition in respect of the shops in question and they need breathing time to vacate the premises.

6. I am not able to agree with the submissions made by the learned counsel for the petitioner, as the petitioner was a party to the order of this Court dated 14.11.2017 and he waited till the expiry of four months and has come forward with this writ petition.

7. Opposing the prayer of the petitioner, the learned Standing counsel appearing for the respondent submitted that since the building is in dilapidated condition, if untoward incident happens, the respondent Municipality would be held responsible.

8. Taking note of the above facts and the submissions, I do not find any merits in this writ petition. Hence, this writ petition fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ms

The Commissioner,  
Villupuram Municipality,  
Villupuram.

+1cc to Mr.V.Jayaprakash Narayanan, Advocate, S.R.No.18693

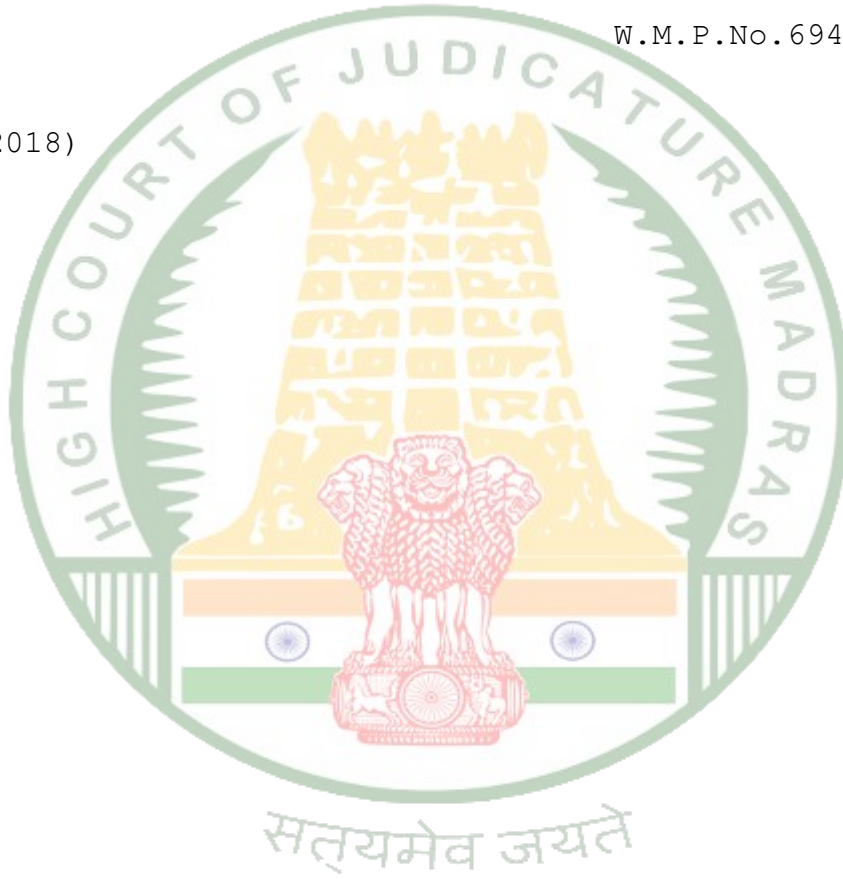
+1cc to Mr.N.suresh, Advocate, S.R.No.18750

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