

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2018

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.4946 of 2018
and W.M.P.No.6097 of 2018

Manoharan

... Petitioner

Vs.

The Commissioner,
Villupuram Municipality,
Villupuram.

... Respondent

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, to forbear the respondent its staffs and subordinates from interfering in the peaceful possession and enjoyment of the Shop No.4, Municipal Buildings, Pandit Jawaharlal Nehruji Road, Villupuram.

For Petitioner : Mr.N.Suresh

For Respondent : Mr.V.Jayaprakash Narayanan
Standing Counsel

O R D E R

Heard Mr.N.Suresh, learned counsel for the petitioner and Mr.V.Jayaprakash Narayanan, learned Standing Counsel for the respondent/Municipality.

2. By consent, this writ petition is taken up for final disposal.

3. The prayer in the writ petition is to issue a Writ of Mandamus, forbearing the respondent from interfering with the peaceful possession and enjoyment of Shop No.4, Municipal Buildings, Pandit Jawaharlal Nehruji Road, Villupuram.

4. It seems that the petitioner, who is a sub-lessee of Shop No.4, has been running a tyre vulcanizing and cycle business. The respondent/Municipality having taken a decision to demolish the entire building on the ground that it is in a

dilapidated condition, directed the petitioner to vacate the shop. Complaining that he was not given any opportunity and he needs some time to vacate the shop, he has come up before this Court.

5. The petitioner has filed an affidavit of undertaking dated 17.03.2018, seeking time till 30.04.2018 to vacate the premises. It is not in dispute that the petitioner is in occupation of the shop and the rental receipts and photos annexed in the typed set support his case.

6. In the light of the prayer sought for by the petitioner and the submissions of the learned counsel on either side and also taking note of the undertaking affidavit, the writ petition is disposed of with a direction to the petitioner to handover the shop to the respondent/Municipality on or before 30.04.2018. It is needless to say that till such time, the respondent/Municipality shall not take any coercive action against the petitioner. Accordingly, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd

ASSISTANT REGISTRAR (CS III)

TRUE COPY

SUB ASSISTANT REGISTRAR

To

The Commissioner,
Villupuram Municipality, Villupuram.

1CC TO MR. N.SURESH, ADVOCATE SR.NO. 20871

1CC TO MR. V. JAYAPRAKASH NARAYANAN, ADVOCATE, 20558

DM

16 APRIL 18

W.P.No.4946 of 2018

WEB COPY