

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.06.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.Nos.15296 to 15303 of 2018  
and WMP.Nos.18145 to 18168 of 2018

M.Kokila .. Petitioner in W.P.No. 15296 of 2018  
S.B.Nalini Sree .... Petitioner in WP.15297/2018  
R.Savithiri ... Petitioner in WP.15298/2018  
R.Raji ... Petitioner in WP.15299/2018  
S.Bharathi .... Petitioner in WP.15300/2018 and in  
WP.No.15301/2018,WP.NO.15302/2018  
C.Kannan .... Petitioner in WP.no.15303/18

Vs

The Commissioner  
Tiruchengode Municipality,  
Tiruchengode,  
Namakkal District. ...Respondent in all WPs

Prayer in W.P.No. 15296 of 2018:- Writ Petitions filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorari, to call for the entire records relating to the impugned order passed by the respondent in his proceedings Na.Ka.No.6341/2012/A3, dated 15.06.2018 and quash the same.

For Petitioner : Mr.C.Prakasam  
For Respondent : Mr.P.Srinivas  
Standing Counsel

COMMON ORDER

Heard the learned Counsel for the petitioner and the learned Standing Counsel appearing for the respondent and perused materials available on record.

2. These writ petitions have been filed challenging the notice issued by the respondent, in and by which, the petitioners have been directed to handover the possession within a period of 24 hours.

3. The learned Counsel for the petitioners submitted that the petitioners have been in possession of small extent of lands belonging to the respondent-Municipality for a long number of years and paying license fee to the respondent regularly. It is further submitted that as per G.O.Ms.No.92, Municipal Administration Department, dated 03.07.2007, the petitioners are entitled for renewal of licence.

4. The learned counsel further submitted that in the earlier writ petitions filed by the petitioners in W.P.No.19628 of 2012, etc., this Court permitted the petitioners to give reply and directed the respondent to pass orders and also protected possession of the petitioners. Though the petitioners have submitted their reply, without considering the same, the impugned notices have been issued.

5. After arguing at length, the learned counsel fairly admitted that the respondent has taken possession of the lands and demolished the superstructure put up by the licensee and sought directions to the Municipality to give preference to the petitioner in the newly constructed shopping complex.

6. The learned Standing Counsel for the respondent submitted that the petitioners are not licensees of the respondent-Municipality and they encroached upon the land belonging to the respondent. Despite the direction issued in the earlier writ petition, no reply was given by the encroachers, and without paying licence fee, they are squatting on the property of the respondent.

7. The learned Standing Counsel further submitted that some of the petitioners have taken away their articles and the respondent-Municipality has no objection to return the articles of the petitioners, if any. After constructing a new building, as per law, the respondent has to bring all the shops for auction and at that point of time no preference can be shown to the petitioners.

8. In the case on hand, It is an admitted fact that the respondent-Municipality had already taken possession of the

land. Hence in my view, no further adjudication is required in these writ petitions accordingly they are dismissed as having become infructuous. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-  
Assistant Registrar(CS VII)

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Sub Assistant Registrar

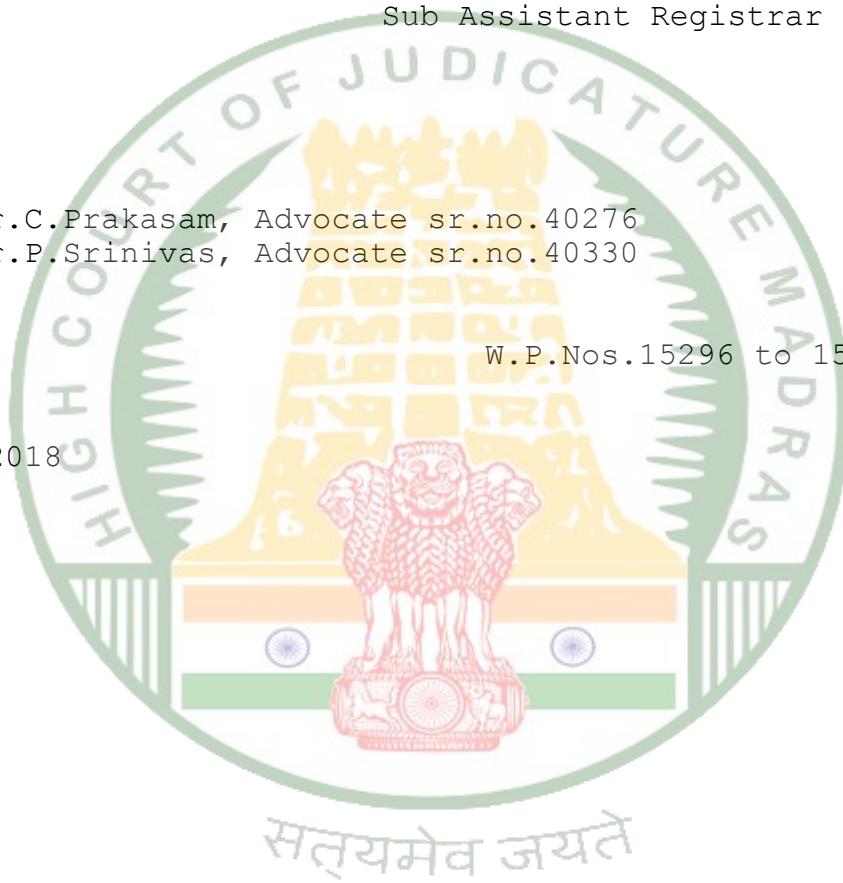
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To

+1cc to Mr.C.Prakasam, Advocate sr.no.40276  
+1cc to Mr.P.Srinivas, Advocate sr.no.40330

W.P.Nos.15296 to 15303 of 2018

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