



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

WP (MD) Nos.1781 to 1797 of 2018
and
WMP (MD) Nos.1911 to 1944 of 2018

C.Aldrin Xavier	...Petitioner in WP(MD).No.1781 of 2018
P.Manoharan	...Petitioner in WP(MD).No.1782 of 2018
S.S.Ahameed Kabeer	...Petitioner in WP(MD).No.1783 of 2018
A.S.A.Jamaltheen	...Petitioner in WP(MD).No.1784 of 2018
Noorul Hutha	...Petitioner in WP(MD).No.1785 of 2018
T.Ramesh	...Petitioner in WP(MD).No.1786 of 2018
T.Pushpitha	...Petitioner in WP(MD).No.1787 of 2018
K.Murugan	...Petitioner in WP(MD).No.1788 of 2018
P.Rajappa	...Petitioner in WP(MD).No.1789 of 2018
C.Kumar Selvin	...Petitioner in WP(MD).No.1790 of 2018
A.Sorisal	...Petitioner in WP(MD).No.1791 of 2018
B.Vijayakumar	...Petitioner in WP(MD).No.1792 of 2018
C.Kumar Selvin	...Petitioner in WP(MD).No.1793 of 2018
J.Rajan Jeyasingh	...Petitioner in WP(MD).No.1794 of 2018
A.Manoj	...Petitioner in WP(MD).No.1795 of 2018
M.V.Antony	...Petitioner in WP(MD).No.1796 of 2018
R.Sundar Moni	...Petitioner in WP(MD).No.1797 of 2018



1. The Regional Director,
Municipal Administration,
Tirunelveli Region,
Ram Popular Road,
Manakavalam Pillai Nagar,
Tirunelveli - 627 002.

2. The Commissioner,
Nagercoil Municipality,
Nagercoil - 629 001,
Kanyakumari District.

... Respondents in all cases

Common Prayer: Petitions filed under Article 226 Constitution of India to issue a Writ of Certiorari call for the records pursuant to the impugned Notification issued by the second respondent in vide proceedings in Na.Ka.No.7841/2017/A13 dated 17-01-2018 in respect of petitioner's shop Nos. 33,45, 34,42,43, 26,46,35,12,29,15,16,36,17,25,37 & 48 respectively situated at Bethesda Complex, W.C.C.Road, Nagercoil and quash the same.

For Petitioner : Mr.M.Sankar
(in all cases)

For Respondents : Mr.P.Adhimoolapandian
(in all cases)

COMMON ORDER

These writ petitions have been filed challenging the impugned notification issued by the second respondent Municipality, directing the petitioners to vacate the respective shops of the respondent Municipality on or before 30.01.2018.

2.According to the petitioners, they are the lessees in respect the shops of the second respondent Municipality and the lease period is continuing till 31.03.2018. Now, the second respondent is proposed to conduct public auction to lease out the shops in question. Hence, he issued the impugned notice, directing the petitioners to vacate the premises on or before 30.01.2018, on the ground that lease period has already been expired.

3.The learned counsel appearing for the respondents admitted that the petitioners' lease period is continuing till 31.03.2018 and they will not be evicted till 31.03.2018. It is further submitted that the second respondent is proposed to conduct public auction in respect of the shops in question for the period, commencing from 01.04.2018.

4.In the above circumstances, the impugned order passed by the second respondent dated 17.01.2018 is set aside, only in respect of the portions, which direct to vacate the shops on or before 30.01.2018 and also in respect of taking possession of the



shops. The respondents are directed not to evict the petitioners till the expiry of lease period i.e., 31.03.2018 and it is open to the respondents to conduct public auction in respect of the shops in question.

5. With the above observation, these writ petitions are disposed of. No costs. Consequently, WMP(MD) Nos. 1911 to 1944 of 2018 are closed.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

1. The Regional Director,
Municipal Administration,
Tirunelveli Region,
Ram Popular Road,
Manakavalam Pillai Nagar,
Tirunelveli - 627 002.

2. The Commissioner,
Nagercoil Municipality,
Nagercoil - 629 001,
Kanyakumari District.

+ 17 ccs TO Mr.M.Sankar , Advocate in SR No. 44913

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AE/SV MMS/SAR4/06.02.2018/3P/20C

WP (MD) Nos.1781 to 1797 of 2018
30.01.2018