



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2018

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

W.P.(MD) No.1884 of 2018

and

WMP(MD)No.2052 of 2018

WEB COPY

E.P.John Prathap

... Petitioner

-Vs-

1. The state of Tamil Nadu,
represented by its Secretary,
Department of Municipal Administration,
and Water Supply,
Fort St.George, Chennai- 600 009.

2. The Commissioner of Municipal Administration,
Municipal Administration Department,
Ezhilagam, Chepauk, Chennai - 600 005.

3. The Commissioner,
Nagercoil Municipality,
Nagercoil, Kanyakumari District.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents to forbear from evicting or disturbing the petitioner from peaceable possession of his Textiles Store building namely E.P.N.Stores located in Door No.22/463, Vadasery, Agasteeswaram Taluk, Nagercoil, Kanyakumari District.

For Petitioner : Mr.Issac Mohanlal
Senior Counsel for M/s. Issac chambers
For Respondents : Mr.P.Athimoolapandian

O R D E R

This writ petition has been filed seeking to forbear the respondents from evicting or disturbing the petitioner from peaceable possession of his Textiles Store building namely E.P.N.Stores located in Door No.22/463, Vadasery, Agasteeswaram Taluk, Nagercoil, Kanyakumari District.

2.According to the petitioner, a vacant site has been leased out to the petitioner long ago, in which, he has established the above store in the year 1940 and lease has been renewed periodically in their favour and the present lease period is till 31.03.2018. Now, the third respondent, without notice whatsoever, directed the petitioner to vacate the premises. Hence, this writ petition has been filed.



3.The learned counsel appearing for the respondents submitted that now the Municipality wants to demolish a row of the shops situated in the above said area including the petitioner's shop and in respect of other shops, this Court has already granted permission to conduct auction and the respondents are not intended to bring this property for lease once again. The remaining shop owners have already been directed to vacate the shops on or before 31.03.2018.

4.Considering the fact that this Court has already passed orders in respect of other shops and also considering the fact that the petitioner's lease period is continuing till 31.03.2018, the respondents are directed not to evict the petitioner till the expiry of the lease period i.e., 31.03.2018, since he is doing business in the said premises.

5.With the above direction, this Writ Petition is disposed of. No costs. Consequently, M.P(MD)No.2052 of 2018 is closed.

Sd/-

Assistant Registrar(crl side)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary,
State of Tamil Nadu,
Department of Municipal Administration,
and Water Supply,
Fort St.George, Chennai- 600 009.
2. The Commissioner of Municipal Administration,
Municipal Administration Department,
Ezhilagam, Chepauk, Chennai - 600 005.
3. The Commissioner,
Nagercoil Municipality,
Nagercoil, Kanyakumari District.

+1cc to M/s. Issac chambers, Sr.No.47678
+1cc to Spl.Government Pleader Sr.No.48290

MJ

VB/KKR/SAR1/27.02.2018/2P/6C

W.P. (MD) No.1884 of 2018
09.02.2018