



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE: 28.03.2018

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.(MD)No.6577 of 2018

and

W.M.P.(MD)No.6368 of 2018

Aringar Anna Sattur Municipality Dhinasari Kaykari
Market Viyabarigal Sangam,
Rep by its Secretary, Mr.M.Sundharam,
S/o, Muthiah, 1/162, Melatheru,
Padanthal, Sattur,
Virudhunagar District.

... Petitioner

Vs.

Sattur Municipality,
Represented by its
Commissioner, Sattur,
Virudhunagar District.

...Respondent

Prayer:Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, forbearing the respondents herein from evicting the members of petitioner sangam from the shops allotted to them at " Aringar Anna Sattur Municipality Dhinasari Kaykari Market Viyabarigal Sangam", Sattur and to refix the daily rent payable by them after giving them an opportunity of hearing.

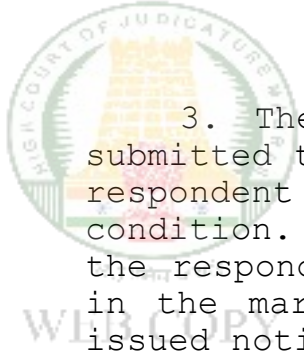
For Petitioner : Ms.Lakshmi Gopinathan
for Polax Legal Solutions

For Respondent : Mr.M.Kannan,
Standing Counsel

ORDER

This Writ Petition has been filed seeking a direction to forbear the respondent from evicting the petitioner association members from the shops belonging to the respondent.

2. According to the petitioner, the members of the petitioner association are the lessees in the respondent Municipality and a they are doing business of selling vegetables in the shops belonging to the respondent Municipality and they have been paying daily rent regularly. Now the respondent Municipality is taking steps to evict the members of the petitioner from the shops and hence, the present writ petition has been filed.



3. The learned counsel for the respondent, on instructions, submitted that the buildings in the market premises belonging to the respondent Municipality are very old and they are in dilapidated condition. Hence, a circular has been issued by the Commissioner of the respondent Municipality for renovation of the building premises in the market. In the above circumstances, the Municipality has issued notice to the members of the petitioner association to vacate and handed over the vacant premises. He further submitted that in order to renovate the buildings in the market premises, which are very old and are in dilapidated condition, the respondent Municipality wants to evict the members of petitioner association from the market premises and that there is no other intention for the respondent Municipality.

4. Considering the fact that the respondent Municipality is taking steps to renovate the buildings in the market as they are very old and are in dilapidated condition, the members of the petitioners, being lessees, cannot claim any right to continue to be in possession of the premises in the market. Hence, the members of the petitioner association are directed to hand over the possession to the respondent Municipality within a period of 30 days from today. It is made clear that after the completion of renovation work, the members of petitioner association are at liberty to make representations individually to the respondent for allotment shop premises to them.

5. Accordingly, the writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

+1CC to Mr.M.Kannan, Advocate, SR.No. 59367

W.P. (MD) No.6577 of 2018
28.03.2018

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