

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 17.10.2019

Coram:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Writ Petition No.29541 of 2019

and

W.M.P.Nos.29424 & 29425 of 2019

E.Ahamed Kabeer

... Petitioner

Vs.

The State Represented by its
The Commissioner
Tirupur Corporation
Tirupur

... Respondent

Prayer :- This Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for records pertaining to the impugned notices in Na.Ka. No.2068/2015/a2 dated 10.03.2016 and Na.Ka.No.a1/1063/2019 dated 16.09.2019 issued by the respondent and quash the same and consequently direct the respondent to run the shop No.1 (Asst.no:45892152) at Eswaran temple road, flower market, Tirupur as per the notification dated 10.03.2016.

For Petitioner :Mr.S.Manoharan

For Respondent :Mr.Silambanan, Senior counsel
Ms.P Shanthi (for Corporation)

ORDER

This petition has been filed by the petitioner to call for records pertaining to the impugned notices in Na.Ka. No.2068/2015/a2 dated 10.03.2016 and Na.Ka.No.a1/1063/2019 dated 16.09.2019 issued by the respondent and quash the same and consequently direct the respondent to run the shop No.1 (Asst.no:45892152) at Eswaran temple road, flower market, Tirupur as per the notification dated 10.03.2016.

2.Heard the learned counsel for the petitioner.

3.The Corporation of Tirupur has caused notice to the petitioner herein to vacate the premises and hand over the same in view of implementation of the Smart City Project. The petitioner has failed to vacate the premises and hand over the same. First notice was issued on 16.08.2019 to vacate the place within 15 days. The petitioner failed to vacate even after

expiry of 15 days. So, the 2nd notice was issued on 16.09.2019 granting 5 days time for the petitioner to vacate the premises failing which the petitioner will be evicted forcibly.

4. Thereafter, representation was given by the petitioner to the Commissioner of Tirupur Corporation on 23.09.2019, seeking exemption and has now approached this court by filing writ petition, seeking Certiorari Mandamus to quash the eviction notice dated 16.09.2019 on the ground that the notice is violative of principle of natural justice and violation of Agreement entered between the petitioner and the respondent which deprives the livelihood of the petitioner.

5. Petition perused. Counsel for the petitioner heard.

6. The petitioner was inducted into premises of the respondent pursuant to the auction conducted on 10.03.2016. The respondent Corporation in the light of implementing Smart City Project, has requested the petitioner to vacate the premises initially on 16.08.2019 and thereafter the 2nd notice on 16.09.2019.

7. The lease was for a period of three years which has expired on 09.03.2019. Only thereafter the eviction notice has been issued. No doubt there is a clause for renewal for further period of 3 years. But, when the respondent not inclined to renew the said lease, the petitioner cannot take any further advantage of the renewal clause. Hence the contention of the petitioner that the eviction notice is violation of the lease deed, is incorrect. The petitioner has been put to notice well in advance to vacate the premises. Having failed to vacate, he cannot take advantage of his own fault and seek for extension of lease or any other alternative site through representation. More so, when the place is required to demolish for the implementation of the Smart City Project. The larger public interest will prevail than the individual interest. In view of the said fact, the petition is liable to be dismissed.

8. In the result, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

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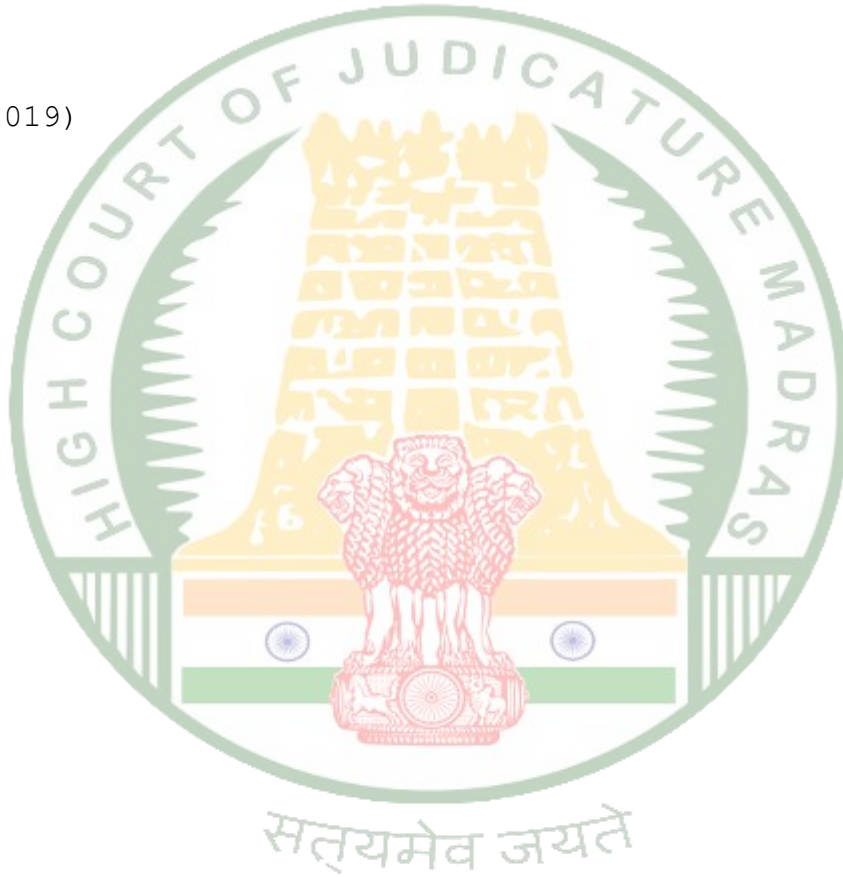
To.

The Commissioner
Tirupur Corporation
Tirupur

+1 CC to Mr.S.Manoharan, Advocate sr 87019.
+1 CC to Ms.P.Shanthi, Advocate sr 87113.

W.P.No.29541 of 2019

NRJK (CO)
SP(01/11/2019)



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