



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD) No.3995 of 2019
and
W.M.P. (MD) No.3090 of 2019

S.Sundaramoorthy

... Petitioner

Vs

1.The Commissioner,
Madurai City Municipal Corporation,
Madurai.

2.The Assistant Commissioner (Revenue),
Madurai City Municipal Corporation,
Madurai.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the first respondent vide Ma.va. 4/027955/18 dated 11.02.2019 and quash the same and consequently direct the respondents to allow the petitioner to continue the possessiona nd occupation of Shop No.596, (Assessment No.6570072), situated in Jancy Rani Park Nagai Kadai Street, Madurai.

For Petitioner : Mr.D.Shanmugaraja Sethupathi

For R1 and R2 : Mr.T.S.Mohammed Mohideen

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned standing counsel appearing for the respondent corporation.

2.The petitioner is occupying a shop belonging to the respondent corporation. The respondent has issued a notice calling upon the petitioner to vacate the premises as they want to implement Smart City Project. The eviction notice is questioned in this writ



3. When the matter was taken up for hearing, the learned standing counsel for the respondents pointed out that similarly placed persons through their association filed W.P.(MD)No.20571 of 2018 and the Hon'ble Division Bench of this Court dismissed their writ petitions. He submitted that on that basis the petitioner can be given a breathing time.

4. This Court is to necessarily bound by the order passed by the Hon'ble Division Bench and therefore the petitioner will have to necessarily vacate the premises, since he cannot be an impediment for the implementation of the Smart City Project. But the question is that when the petitioner should vacate. The works are yet to commence covering the petitioner's premises. The learned counsel for the petitioner points out that as on date even the funds have not been sanctioned covering the premises in which the petitioner is now occupying.

5. The petitioner through his counsel gives a categorical undertaking that the moment, the Smart City Projects are to commence in the area covering the petitioner's premises and the petitioner receives the notice from the respondent, he will vacate the premises within 15 days. The undertaking given by the petitioner through his counsel is placed on record. It is further undertaken by the petitioner through his counsel that he will not ask for any modification or extension of the order now passed.

6. This Court can take note of the fact that all the allottees and tenants occupying the premises belonging to the corporation have been directed to vacate with an assurance that their request for re-allotment, after the Smart City Project is completed, would be considered. Such a direction to consider has been given by the Hon'ble Division Bench in many cases. The writ petitioner is also entitled to the same benefit which similarly placed or displaced tenants will be entitled to.

7. Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AD-I)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Commissioner,
<https://hcservices.ecourts.gov.in/hcservices/>
Madurai City Municipal Corporation,
Madurai.



2.The Assistant Commissioner (Revenue),
Madurai City Municipal Corporation,
Madurai.

+1 CC to M/s.T.S.MOHAMED MOHIDHEEN, Advocate in SR-62401

+1 CC to M/s.D.SHANMUGARAJA SETHUPATHI, Advocate in SR-62689

WP (MD) No.3995 of 2019
and

WMP (MD) No.3090 of 2019

PNN

PK/13.05.2019 : 3P/5C