



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

W.P.(MD)Nos.4211 to 4213, 4376 & 6000 of 2019 and
W.M.P.(MD)Nos.3329 to 3331, 3481 & 4792 of 2019

K.Pandiyarajan ... Petitioner in
W.P.(MD)No.4211 of 2019
S.Syed Nagoor Masthan ... Petitioner in
W.P.(MD)No.4212 of 2019
R.Mariyaie ... Petitioner in
W.P.(MD)No.4213 of 2019
T.Chellapandi ... Petitioner in
W.P.(MD)No.6000 of 2019

Vs.

The Commissioner,
Madurai Corporation,
Madurai District.

... Respondent in all petitions

COMMON PRAYER in W.P.(MD)Nos.4211 to 4213 & 6000 of 2019 :
Writ Petitions are filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned notice issued by the respondent dated 11.02.2019 with shop Nos.595, 593, 594 and 147 respectively ward No.85 Jhansi Rani Park, Madurai, quash the same and further direct the respondent to grant any alternative shop or vacant place to continue the petitioners' business in the same locality.

W.P.(MD)No.4376 of 2019

Jhansirani Bazar,
Pulpurul Vyaparigal Association,
Having its office at
Jhansirani Bazar,
Madurai represented by its
Secretary,
S.Karuppaiah

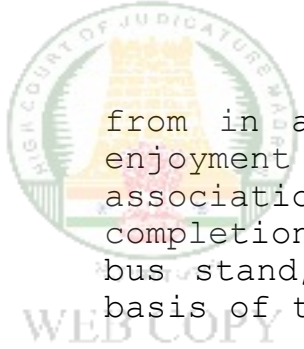
... Petitioner

Vs.

The Commissioner,
Madurai Corporation,
Madurai District.

... Respondent

<https://hcservices.ecourts.gov.in/hcservices/>
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondent or his men or agents or any one claiming through him



from in any manner interfering with the peaceful possession and enjoyment of the lease hold rights of shops of the petitioner's association situated at Jhansirani Bazar, Madurai, till the completion of work in connection with Smart City Project at Periyar bus stand, Complex bus stand and Old Central Market etc., on the basis of the petitioner's representation dated 14.02.2019.

(in all W.Ps.)

For Petitioners : Mr.F.Deepak
in W.P.(MD)Nos.4211 to 4213
& 6000 of 2019
Mr.Veerakathiravan,
Senior Counsel,
for M/s.Veera Associates,
in W.P.(MD)No.4376 of 2019

For Respondent : Mr.R.Murali

C O M M O N O R D E R

The Writ petitioners are occupants of the shops belonging to the respondent in Jhansi Rani Park. The petitioners have been served with eviction notice on the ground that the premises occupied by them will have to be demolished for implementing Smart City Project. The lessees/occupants like the Writ petitioners had moved the Hon'ble Division Bench. The Hon'ble Division Bench had held that the lessees/occupants will have to necessarily vacate the shops. However, an observation was made that after the Smart City Project is implemented and the complexes are rebuilt subject to the then prevailing terms and conditions, the erstwhile lessees/occupants can be accommodated.

2. Therefore, the notices impugned in these Writ petitions are sustained and the Writ petitions stand dismissed with the aforesaid observations. The petitioners will be given a very same treatment which is extended to the other similarly placed persons. Since the project works are yet to commence, the petitioners are given time till 20.05.2019. No costs. Consequently, connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar(CS)

pmu



To
The Commissioner,
Madurai Corporation,
Madurai District.

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+1CC TO MR.R.MURALI, Advocate Sr. No63321
+2CC TO MR. F.DEEPAK, Advocate Sr. No.63189 & 63190

W.P. (MD) Nos.4211 to 4213, 4376 & 6000 of 2019 and
W.M.P. (MD) Nos.3329 to 3331, 3481 & 4792 of 2019
26.04.2019

KM(CO)
TR (21.06.2019) 3P 5C