



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :19.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE **M.GOVINDARAJ**

W.P (MD)Nos.16812, 16814, 16816, 16820, 16822, 16824, 16826, 16827,16829, 16831, 18275, 18278, 18284, 18293, 18294 and 18296 of 2019

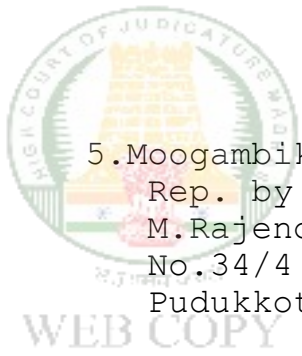
and

W.M.P. (MD)Nos.13415, 13417, 13418, 13419, 13420, 13422, 13424, 13426, 13428, 13429, 14710, 14711, 14718, 14737, 14739 and 14741 of 2019

Balkees Beevi	... Petitioner in WP(MD)No. 16812 of 2019 and 16814 of 2019
Rani	... Petitioner in WP(MD)No . 16816 of 2019
Muthumaran	... Petitioner in WP(MD)No . 16820 of 2019
Nagarajan	... Petitioner in WP(MD)No . 16822 of 2019
Natesan	... Petitioner in WP(MD)No . 16824 of 2019
Francis	... Petitioner in WP(MD)No . 16826 of 2019
Chandran	... Petitioner in WP(MD)No . 16827 of 2019
Sathiyamoorthi @ Suresh	.. Petitioner in WP(MD)No . 16829 of 2019
Balasundaram	... Petitioner in WP(MD)No . 16831 of 2019
Nalina	... Petitioner in WP(MD)No . 18275 of 2019
Valliyammai	... Petitioner in WP(MD)No . 18278 of 2019
Srinivasan	... Petitioner in WP(MD)No . 18284 of 2019
Sundaram	... Petitioner in WP(MD)No . 18293 of 2019
Thirumalairajan	... Petitioner in WP(MD)No . 18294 of 2019
Balasundaram	... Petitioner in WP(MD)No . 18296 of 2019

Vs.

- 1.The District Collector,
Pudukkottai,
Pudukkottai District.
- 2.The Commissioner,
Pudukkottai Municipality,
Pudukkottai District.
- 3.S.P.N.Sathiyamoorthy
- 4.Palaniyappan



5.Moogambikai Trust,
Rep. by its Trustee/Trust Management,
M.Rajendran
No.34/4 Kamarajapuram, 3rd Street,
Pudukkottai Town & District

... Respondents in
W.P.(MD)Nos.16812, 16814,
16816, 16820, 16822, 16824,
16826, 16827, 16829, 16831,
18275, 18278, 18284, 18293,
18294 and 18296 of 2019

COMMON PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records relating to the impugned order passed by the second respondent in his proceedings in Na.Ka.No.2210/19/F2, dated 08.07.2019, Shop No.4, Shop No.6, Shop No.2, Shop Nos.45,46 and 47, Shop No.1, Shop No.43, Shop No.3, Shop No.38 and 41, Shop No.34, Shop No.5, Shop No.19, Shop No.5, Shop No.49, to the petitioner name Sundaram in T.S.Nos.2382/1,2,3, Shop pNo.6 Shop No.3(inside) respectively of T.S.Nos.2382/1,2,3 of West Main Street, Pudukkottai Town and District and quash the same as arbitrary and illegal.

For Petitioner in all WPs	: Mr.K.Baalasundharam
For Respondent No.1	: Mrs.J.Padmavathi Devi, Special Government Pleader
For Respondent No.2	: Mr.P.Mahendran
For Respondent No.3	: Mr.S.Senthil Vadivelan for Mr.V.Meenakshi Sundaram
For Respondent No.4	: Mr.P.Venkatasubramanian
For Respondent No.5	: No Appearance
in all WPs	

COMMON ORDER

Challenge in these Writ Petitions is to the notice dated 08.07.2019.

2. Heard the submissions made on either side.

3. When a notice dated 07.02.2019 to remove the unauthorized construction was issued by the Municipality, the building owner has approached this Court in W.P.(MD)No.5659 of 2019. The Hon'ble Division Bench, by its order dated 01.04.2019, passed the following order:

"6. Taking note of the facts of the case and the submissions made by the learned counsel on either

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side, this writ petition is disposed of directing the second respondent to give a reasonable time of two months for the tenant to vacate the premises, provided a separate undertaking affidavit is filed by the tenants and if no individual undertaking affidavit is forthcoming, the second respondent is at liberty to take further action in accordance with law."

4. It is very clear that the two months time was granted to the tenants to vacate the premises, provided a separate undertaking affidavit is filed individually by them. If undertaking affidavit is not filed, liberty was granted to the Municipality to take further action in accordance with law. Even though order was passed on 01.04.2019, neither the landlord nor the tenants have complied with the directions issued by the Hon'ble Division Bench. Thereafter, the second respondent issued a notice dated 08.07.2019 to the building owner as well as the occupants of the building. The said notice is challenged in these Writ Petitions.

5. On a perusal of the order passed by the Hon'ble Division Bench, referred to above, it is seen that the validity of the notice issued by the Municipality has already been approved and further action by the Municipality was permitted. In such circumstances, the petitioners, who are the tenants, without any locus, have preferred the above Writ Petitions. If at all they are aggrieved, they have to work out their remedy before the Hon'ble Division Bench. By filing the Writ Petitions, they cannot unsettle the directions issued by the Division Bench on 01.04.2019. Apart from this, when a matter relates to demolition and reconstruction of unauthorized building, it shall be filed before the Division Bench as per the administrative orders of the Hon'ble The Chief Justice. The Writ Petition is not maintainable before a learned Single Judge.

6. In that view of the matter also, the Writ Petitions filed by the petitioners are not maintainable. In such circumstances, this Court is not inclined to entertain the above Writ Petitions and accordingly, they are dismissed. However, liberty is granted to the petitioners to work out their remedies before the Division Bench in W.P.(MD)No.5659 of 2019. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)



To

The District Collector,
Pudukkottai,
Pudukkottai District.

+1CC TO Mr.K.Baalasundharam, Advocate Sr.No.99656

+2cc to Mr.v.Meenakshi Sundaram, Advocate Sr.No.100036

+1cc to Mr.P.Mahendran, Advocate Sr.No.99770

Common Order made in
**W.P. (MD) Nos.16812, 16814, 16816, 16820,
16822, 16824, 16826, 16827,16829,
16831, 18275, 18278, 18284,
18293, 18294 and 18296 of 2019
Dated: 19.11.2019**

VB(03.01.2020) 4P 6C