



WEB COPY

W.P. (MD).Nos.19253 to 19260 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.09.2019

CORAM:

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE Mrs.JUSTICE R.THARANI

W.P. (MD).Nos.19253 to 19260 of 2019

and

W.M.P. (MD).Nos.15654, 15656 to 15670 of 2019

N.Suguna	... Petitioner in WP(MD). 19253/ 2019
L.Selvan	... Petitioner in WP(MD). 19254/ 2019
S.Rajamani	... Petitioner in WP(MD). 19255/ 2019
Mohammed Ibrahim	... Petitioner in WP(MD). 19256/ 2019
L.Jeyanthan	... Petitioner in WP(MD). 19257/ 2019
N.Saraswathy	... Petitioner in WP(MD). 19258/ 2019
Akilandathammal	... Petitioner in WP(MD). 19259/ 2019
S.Syed Mohideen	... Petitioner in WP(MD). 19260/ 2019

Vs.

1.Tirunelveli City Municipal Corporation
Rep by its Commissioner,
Tirunelveli.

2.The Assistant Commissioner(In-charge)
Thatchanallur Zone,
Tirunelveli City.

... Respondents in all W.Ps

COMMON PRAYER: These petitions are filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the 2nd respondent in connection with the impugned Eviction Notice issued by him in his Proceedings in Na.Ka.No.A1/6377/2018 dated 29.08.2019 and quash the same as illegal and arbitrary and consequently direct the first respondent to consider the join representation dated 26.02.2019 submitted by the petitioner for redesign of the proposed

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construction as well as for an assurance of re-allotment, within the time limit that may be stipulated by this Court.

For Petitioners

in all W.Ps

: Mr.K.R.Laxman

For Respondents

in all W.Ps

: Mr.Aairam K Selvakumar

Additional Government Pleader

COMMON ORDER

(Order of this Court was made by **T.S.SIVAGNANAM, J**)

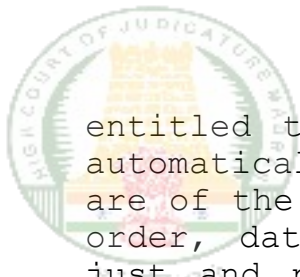
Heard Mr.K.R.Laxman, learned counsel appearing for the petitioners and Mr.Aayiram K Selvakumar, learned Additional Government Pleader appearing on behalf of the respondents.

2.By consent on either side, these writ petitions are taken up for disposal.

3.These writ petitions have been filed by the Licensees/erstwhile licensees of shop constructed by the Tirunelveli City Municipal Corporation in the old bus stand block, as a part of implementation of smart city project. Plans have been made to demolish the old bus stand and construct a new bus stand. When such decision is taken, notices were issued to the licensees many of whom were occupying the premises beyond the period of licence. The licensees/erstwhile licensees were directed to vacate and hand over the vacant possession of the premises. They failed to do so and challenged the same by way of writ petition in W.P.(MD).No.17645 of 2019 etc, batch. All those writ petitions were disposed of by a common order, dated 26.08.2019 granting four weeks time to vacate the shops, from the date of receipt of a copy of the order.

4.The learned counsel for the writ petitioners submits that the copy of the order has not yet been issued to the petitioners.

5.Be that as it may, some of the petitioners before us were also petitioners in the earlier batch. The learned counsel for the writ petitioners submitted that the plan as formulated by the Corporation to put up a Mall, Park etc., in the existing area has not been conceived and did not work out and the life and livelihood of small traders like the petitioners could not be put to jeopardy. In our considered view, it is neither the petitioners case nor for this Court to comment upon the schemes which are evolved for public purpose. Unless and until there is any arbitrariness or nepotism or illegality, merely making statements without any substantial proof cannot be taken note of. In any event, the licensee of the shop in a public bus stand has no right to continue beyond the period of license. Even if the license subsists the Corporation would be



entitled to terminate the licence. The license cannot be renewed automatically and the license is also not transferred. Therefore, we are of the view that a direction issued by the Division Bench in its order, dated 26.08.2019 after considering all the contentions, is just and proper and provides necessary relief to the petitioner. Therefore, we do not wish to depart from the view taken earlier and consequently, we do not propose to interfere with the impugned notices, which appears to be a second attempt to prolong their occupation.

6.For the above reason, these writ petitions stand dismissed. No costs. As directed by this Court, the petitioners are directed to vacate and handover the vacant possession of the premises in question to the respondent/Corporation within a period of four weeks from the date of receipt of a copy of this order.

7.In the event of the petitioner not handing over the premises as stated supra, it is well open to the respondent Corporation to take over the possession, in the manner known to law.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

To

1.Tirunelveli City Municipal Corporation
Rep by its Commissioner,
Tirunelveli.

2.The Assistant Commissioner(In-charge)
Thatchanallur Zone,
Tirunelveli City.

+1 CC to M/s.K. R.LAXMAN, Advocate (SR-85448[F] dated 05/09/2019)

+1 CC to M/s.AAYIRAM K. SELVAKUMAR, Advocate (SR-85426[F] dated 05/09/2019)

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MS/13.09.2019/3P.5C