



WEB COPY

W.P(MD)No.26703 of 2019:

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DURAISWAMY

AND

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

**W.P(MD)Nos.26703; 26706; 26709; 26711; 26714;
26716; 26718; 26733; 26742 and 26743 of 2019**

and

**W.M.P(MD)Nos.23028; 23029; 23033; 23034;
23037; 23038; 23040; 23042 to 23045;
23047 to 23049; 23058; 23059; 23063;
23064; 23066 and 23067 of 2019**

Balkees Beevi	...Petitioner in WP(MD).No.26703 of 2019
Rani	...Petitioner in WP(MD).No.26706 of 2019
Muthuraman	...Petitioner in WP(MD).No.26709 of 2019
Francis	...Petitioner in WP(MD).No.26711 of 2019
Nagarajan	...Petitioner in WP(MD).No.26714 of 2019
Chandran	...Petitioner in WP(MD).No.26716 of 2019
Natesan	...Petitioner in WP(MD).No.26718 of 2019
Sathiyamoorthi Alias Suresh	...Petitioner in WP(MD).No.26733 of 2019
P.Nalina	...Petitioner in WP(MD).No.26742 of 2019
Thirumalairajan	...Petitioner in WP(MD).No.26743 of 2019

Vs

- 1 The District Collector, Pudukottai, Pudukottai District.
- 2 The Commissioner, Pudukottai Municipality, Pudukottai District.
- 3 S.P.N.Sathiyamoorthy
- 4 Palaniappan
- 5 Moogambikai Trust Rep. by its Trustee/Trust Management M. Rajendran

... Respondents in All Cases



COMMON PRAYER IN WP(MD).NOS. 26703, 26706, 26709, 26711, 26714, 26716, 26718, 26733, 26742 AND 26743 OF 2019 :

Writ Petitions are filed under Article 226 of the Constitution of India, praying this Court Calling for the records relating to the impugned order passed by the 2nd Respondent in his proceedings in Na.Ka.No.2210/19/F2 dated 08-07-2019 in respect of Shop No.6, 2, 45 to 47, 3, 1, 38 and 41, 43, 34, 4 and 6 of T.S.No.2382/1,2,3 of West Main Street, Pudukkottai Town and District and quash the same as arbitrary and illegal respectively.

IN ALL WPS:

For Petitioner	: Mr.K.Baalasundharam
For R-1	: Mr.J.Gunaseelan Muthaiah
For R-2	: Mr.P.Mahendiran
For R-3	: Mr.S.Senthil Vadivelan

* * * * *

COMMON ORDER

[Order of the Court was made by **M.DURAISWAMY, J.**]

The petitioners have filed the above writ petitions to call for the records relating to the impugned order passed by the second respondent, dated 08.07.2019 in respect of the shops in West main street, Pudukkottai Town and District and quash the same.

2.When the writ petitions were taken up for hearing on 19.12.2019, the learned counsel appearing for the respondents submitted that the petitioners are willing to vacate and hand over the vacant possession of the shops within three months. Recording the same, we are adjourning the matter to 20.12.2019 that is today for filing an affidavit of undertaking to that effect.

3.When the matter is taken up for hearing today, Mr.K.Baalasundharam, learned counsel appearing for the petitioners submitted that the petitioners are filing an affidavit of undertaking seeking for 24 months time to vacate and hand over vacant possession. However, the learned counsel fairly submitted that a reasonable time may be given to the petitioners to vacate and hand over vacant possession. The learned also expressed the difficulties of the petitioners in locating new shops for their business.

4. In view of the submissions made by the learned counsel for



the petitioners, we are inclined to grant four months time to the petitioners to vacate and hand over vacant possession of the shops.

5.The learned counsel for the second and third respondents have no objection for granting four months time.

6.In such view of the matter, the writ petitions are dismissed and the petitioners are granted four months time from today to vacate and hand over vacant possession of the shops to the third respondent, without driving either the third respondent or the second respondent to initiate further action for evicting them. The affidavit of undertaking filed by the petitioners are taken on record. No costs. Consequently, connected Miscellaneous Petitions are also dismissed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

Sub Assistant Registrar(CS)

rj2
To

1.The District Collector,
Pudukkottai,
Pudukkottai District.

2.The Commissioner,
Pudukkottai Municipality,
Pudukkottai District.

+1 CC to M/s.S.SENTHIL VADIVELAN, Advocate (SR-106385[F] dated 20/12/2019)

+1 CC to M/s.P.MAHENDRAN, Advocate (SR-106386[F] dated 20/12/2019)

+10 CC to M/s.K.BALASUNDARAM, Advocate (SR-106391[F] dated 20/12/2019)

**W.P (MD) Nos.26703; 26706; 26709; 26711; 26714;
26716; 26718; 26733; 26742 and 26743 of 2019**

and
**W.M.P (MD) Nos.23028; 23029; 23033; 23034;
23037; 23038; 23040; 23042 to 23045;
23047 to 23049; 23058; 23059; 23063;
23064; 23066 and 23067**
20.12.2019

KK/SAR/20.12.2019/3P-15C/