

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2021

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.31327 of 2013
and
M.P.Nos.1 and 2 of 2013
and M.P.No.1 of 2014

- 1.T.V.Shree Devi,
2. N.Nirmala,
3. B.P.Malar,
4. Devaki

... Petitioners

Vs

1. The District Collector,
Thiruvallur District,
Thiruvallur.
2. The Managing Director,
Tamil Nadu Corporation for Development of
Women Limited,
Mother Theresa Women-s Complex,
Chennai 600 034.
3. The Project Officer,
Tamil Nadu Women-s Development Project,
Thiruvallur District, Thiruvallur.
4. The Block Development Officer(Village Panchayat),
Ekkadu, Thiruvallur District

...Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorari mandamus calling for the records relating to the impugned orders of the first respondent bearing Nos.Na.Ka.No.539/2008/M3 dated 29.08.2013 and Na.Ka.No.539/2008/M3 dated 20.09.2013 and the consequential order of the 3rd respondent bearing No.Na.Ka.No.539/2008/M3 dated 18.10.2013 respectively and quash the same and direct the respondents to re~allot the shops to the petitioners in Poomalai Commercial Complex, J.N.Road, Thiruvallur Town, Thiruvallur Taluk and District.

For petitioner ... Mr.Jaikumar for
Mr.K.Balaji
For respondent~1 ... Mr.V.Shanmugasundar,
Spl.Govt.Pleader
For respondents 2 to 4 ... Mr.P.Sanjay Gandhi

ORDER

This Writ Petition has been filed challenging the order dated 29.08.2013 passed by the first respondent, directing the petitioners to vacate the shops under their occupation, which were earlier let out to them by the third respondent.

2. The petitioners have challenged the impugned order on the ground that they belong to various self-help groups recognised by the second respondent. According to them, arbitrarily and illegally, the impugned order has been passed evicting the petitioners from the respective shops in violation of their fundamental rights, as envisaged under Article 19(1)(g) of the Constitution of India. According to them, their livelihood has been affected because of the passing of the impugned order of eviction.

3. A counter affidavit has been filed by the fourth respondent, wherein, it has been stated that the duration of the lease with regard to the petitioners is only for the period from 01.03.2011 to 28.02.2012. It is also stated in the counter affidavit that only after issuance of the show cause notice dated 29.08.2013 to the petitioners and only after affording a fair hearing to them, the impugned order has been passed. It is also stated in the counter affidavit that the conditions stipulated in the lease agreement entered into between the petitioners and the third respondent, entitles the third respondent to evict the petitioners on expiry of the lease.

4. Heard Mr. Jaikumar for Mr. K. Balaji, learned counsel for the petitioner, Mr. V. Shanmugasundar, learned Special Government Pleader for the respondent-1 and Mr. P. Sanjay Gandhi, learned counsel for the respondents 2 to 4.

5. The learned counsel for the petitioner would reiterate the contentions raised in the counter affidavit filed in support of this Writ Petition. He would further submit that, unauthorisedly the first respondent passed the impugned order, evicting the petitioners, who were occupying the property. The learned counsel for the respondents 2, 3 and 4 would submit that the lease granted to the petitioners by the third respondent under the lease agreement, got expired on 28.02.2012 itself. He would also submit that, excepting for the petitioners, few other tenants have already vacated the building, which is likely to be renovated. He would further submit that without payment of any rent from the year 2012 onwards, the petitioners have been occupying the shops, which were earlier allotted to them by the third respondent under lease, which was valid only upto 28.02.2012.

6. Admittedly, the lease in favour of the petitioners expired on 28.02.2012 itself and the same has also not been renewed in their favour by the third respondent. It is also an admitted fact that

subsequent to filing of the Writ Petition in the year 2013, no rents have been paid by the petitioners to the third respondent. Excepting for stating in the affidavit filed in support of the Writ Petition that the petitioners are members of self help groups and their livelihood will be affected, if they are evicted from the respective shops, no reasons whatsoever have been given to establish their right to retain the possession of the respective shops, that too, when the lease granted in their favour has come to an end on 28.02.2012. There is absolutely no merit in this Writ Petition and the respondents have rightly passed the impugned orders directing the petitioners to vacate the premises, which are under their respective occupation.

7. Accordingly, the Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

srn

To

1. The District Collector,
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Thiruvallur.
2. The Managing Director,
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3. The Project Officer,
Tamil Nadu Women-s Development Project,
Thiruvallur District, Thiruvallur.
4. The Block Development Officer (Village Panchayat),
Ekkadu, Thiruvallur District.

+1cc to Mr.P.Sanjai Gandhi, Advocate SR.6198

+1cc to Mr.K.Balaji, Advocate SR.5969

W.P. No.31327 of 2013

and

M.P.Nos.1 and 2 of 2013

and M.P.No.1 of 2014

SR(CO)

CB(12/03/2021)