

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2021

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HON'BLE MS.JUSTICE R.N.MANJULA

W.A.No.1290 of 2021
and C.M.P.No.8186 of 2021

1.N.Nirmala
2.B.P.Malar
3.Devaki

... Appellants

Vs

1.The District Collector,
Thiruvallur District,
Thiruvallur.

2.The Managing Director,
Tamilnadu Corporation for Development
of Women Limited,
Mother Theresa Women's Complex,
Chennai - 600 034.

3.The Project Officer,
Tamilnadu Women's Development Project,
Thiruvallur District,
Thiruvallur.

4.The Block Development Officer(Village Panchayat),
Ekkadu, Thiruvallur District.

5.T.V.Shree Devi

... Respondents

Appeal filed under Clause 15 of the Letters Patent against
the order dated 03.02.2021 made in W.P.No.31327 of 2013.

Prayer in W.P.No.31327 of 2013:

Petition file 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
1st respondent bearing Nos. Na. Ka. No.539/2008/M3 dated

29.8.2013 and Na. Ka. No.539/2008/M3 dated 20.9.2013 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 & District.

For Appellant : Mr.A.S.Sathiesh Kumar

For Respondents : Mr.V.Kadhirvelu
Special Government Pleader
for R1,R3 and R4

JUDGMENT

(Delivered by M.M.SUNDRESH, J.)

This writ appeal is directed against the order dated 03.02.2021 made in W.P.No.31327 of 2013, whereby the learned single Judge dismissed the writ petition.

2.The appellants have been given licences by the third respondent. The licences issued got expired in the year 2012. Thereafter, notices were issued asking them to vacate the portion of the property under their possession. As they failed to do so, the impugned notices were issued. Challenging the aforesaid notices, writ petitions have been filed.

3.The learned single Judge dismissed the writ petitions filed, taking note of the fact that the period of licence was over long time back and the need was to renovate and reconstruct the building which is in dilapidated condition. Further more, the allocation itself is temporary. Challenging the aforesaid order, the present appeal has been filed.

5.Learned counsel appearing for the appellants submitted that taking note of the fact that the appellants are women entrepreneurs and they having been paid the rent atleast for some time, the licence ought to have been extended.

6.We do not find any merit at all in this appeal. The learned single Judge has correctly considered the relevant materials. Apart from the non-payment of rent, the need for evicting the appellants and taking possession has been clearly spelt out. The other licensees have vacated their respective shops. The allotment itself was on a temporary basis. The period was over way back in the year 2012. The appellants agreed to the terms and conditions of the licences which also speak of evicting them on notice. The appellants were also issued with show cause notices.

7.In such view of the matter, we do not find any reason to interfere with the order passed by the learned single Judge. Thus, we make it clear that in the event of the shopping complex in which the appellants have been allotted shops is put into use after completion of the work, the appellants can very well apply.

8.With the above observation, the writ appeal stands closed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

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

+1cc to M/s.K.Balaji, Advocate Sr.26595

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srg 09/06/2021

W.A.No.1290 of 2021

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