



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.03.2021

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD)Nos.4743 and 4745 of 2021

and W.M.P. (MD) Nos.3854 & 3855 and 3856 & 3857 of 2021

S.Shanmugam ... Petitioner in both Writ Petitions

Vs.

1.The State of Tamil Nadu,
Rep. by the Principal Secretary,
Department of Municipal Administration and Water Supply,
Fort St. George,
Chennai.

2.The Tuticorin Corporation,
Rep. by its Commissioner,
Tuticorin District.

3.The Managing Director,
Thoothukudi Smart City Limited,
No.113, Palayamkottai Road,
Tuticorin District.

... Respondents in both Writ Petitions

Common Prayer : Writ Petitions filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Certiorari, calling for the records pertaining to the impugned order in Na.Ka.No.A16/513/2021 dated 24.02.2021, on the file of the Respondent No.2 issued in respect of the petitioners Shop namely Amma Family Restaurant bearing Shop Nos.1 to 3, at South Cotton Road, Tuticorin Town, Tuticorin District, respectively and quash the same as illegal.

For Petitioner : Mr.T.Lajapathi Roy

For Respondent No.1 : Mr.K.P.Krishnadoss
Special Government Pleader

For Respondent Nos.2 and 3 : Mr.S.Saji Bino
Standing Counsel

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ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

The petitioner, who is sub-lessee of two original lessees, has come forward to file these Writ Petitions, challenging the impugned notices issued for eviction, dated 24.02.2021.

2.The reason for eviction is to have a Smart City Project by demolishing the old structure. It appears, there is a hotel being run. Unfortunately, the petitioner is not the original licensee. Two of the original allottees, namely, A.Philominraj and A.Muthukumar are not added as party in the Writ Petitions and they have no objection to the eviction.

3.In such view of the matter, the relief sought for cannot be granted. However, in as much as similarly placed persons were considered for allotment temporarily, the respondents are directed to consider allotment of space to put up temporary structures by the said A.Philominraj and A.Muthukumar. Inasmuch as the petitioner is running the hotel, we are inclined to direct the respondent Nos.2 and 3 to permit the present arrangement to continue for a period of three weeks from today, on condition, the arrears of rent is paid by the petitioner within two weeks from today. In the meanwhile, the respondent shall go on with the demolition of other buildings.

4.These Writ Petitions are disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sj

Note: (i) In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1.The Principal Secretary,
Department of Municipal Administration and Water Supply,
State of Tamil Nadu,
Fort St. George,
Chennai.

2.The Commissioner,
Tuticorin Corporation,
Tuticorin District.

3.The Managing Director,
Thoothukudi Smart City Limited,
No.113, Palayamkottai Road,
Tuticorin District.

+2 CC to M/s.G.ANTO PRINCE(SR-14015[F] dated 26/03/2021)

+1 CC to M/s.SPL GP (SR-14099[F] dated 29/03/2021)

+1 CC to M/s.S.SAJI BINO, Advocate (SR-14089[F] dated 29/03/2021)

W.P. (MD) Nos. 4743 and 4745 of 2021
26.03.2021

SE (CO)

TR(30.03.2021) 3P 8C