



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS. JUSTICE S.ANANTHI

W.P. (MD)Nos.8422 and 9629 of 2020

(Through Video Conferencing)

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W.P. (MD) No.8422/2020

- 1.P.Manikandan
- 2.A.Saravanaraj
- 3.Ravel
- 4.G.Laris Rayar
- 5.G.Cornelius
- 6.C.Jude Agassi Rayer
- 7.Robert
- 8.Ruben
- 9.Ganesan
- 10.Inbanayagam
- 11.R.Pattuselvi
- 12.B.Anbuechezhiyan
- 13.Marimuthu
- 14.Essakkipandi
- 15.Augustin Mary
- 16.P.Uma
- 17.Muthukrishnan
- 18.P.Sudalai
- 19.Perumal

20.Saravanakumar

<https://hcservices.ecourts.gov.in/hcservices/>

: Petitioners



Vs.

1.The Commissioner
Thoothukudi Municipal Corporation
Thoothukudi.

2.The Managing Director,
Thoothukudi Smart City Limited,
Thoothukudi City Municipal
corporation Building,
113 Palayamkottai Road,
Thoothukudi District.

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus forbearing the respondents from evicting the petitioners from their shops bearing Shop nos.1,2,3,5,8,11,12,17,21,23,28,30,31,33,36,37,40,46,49,57 & 58 situated in Chidambaram Nagar Corporation Market, Chidambaram, Nagar Thoothukudi without providing them with suitable alternative place to run their business by considering their representation dated 24.03.2020.

For Petitioner : Mr.G.Prabhu Rajadurai
For Respondents : Mr.K.Chellapandian for
Additional Advocate General for
Mr.S.Saji Binu

W.P. (MD) No.9629/2020

Thirumaniraja

: Petitioner

Vs.

The Commissioner
Thoothukudi Municipal Corporation,
Corporation Office,
Thoothukudi.

: Respondent

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Certiorarified Mandamus to call for the records relating to the impugned proceedings in Na.Ka.No.A16/0029/2018 dated 04.08.2020 of the respondent Corporation and quash the same and direct the respondent Corporation to grant license for collecting rent at Chidhambaranagar Corporation Market, Thoothukudi for the period from 01.08.2020 to 31.07.2021 as per G.O(Ms) No.78 Municipal Administration and Drinking Water Distribution Department dated 25.05.2009 or to provide alternative place/site for running the market with the shops until completion of market project and to provide license to collect rent in the shops in the upcoming new market at Chidambaranagar Corporation Market, Thoothukudi without conducting fresh auction.



For Petitioner : Mr.J.Ashok
For Respondents : Mr.K.Chellapandian for
Additional Advocate General for
Mr.S.Saji Binu

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COMMON ORDER

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

In W.P.(MD) No.8422/2020, the petitioners are the sub lessees. The said writ petition has been filed for a mandamus forbearing the respondents from evicting them from the respective shops, in which they are doing business.

2. W.P.(MD) No.9629/2020 has been filed by the original lessee challenging the impugned order, by which, the extension of license was rejected.

3. The learned Additional Advocate General appearing for the respondent submitted that after evicting the shops, smart city project is likely to be created by way of constructing new shops. During that time, the license will be considered based upon the merit.

4. It is further submitted by the petitioners in W.P.(MD) NO.8422/2020 that they are the sub lessees of the petitioner in W.P.(MD) No.9629/2020.

5. We are dealing with only the license and not the lease. W.P.(MD) No.8422/2020 being the sub-lessees do not have any semblance of right.

6. It is also to be seen that the process has begun by evicting half of the licensees. The work order has also been issued. The work has to be executed in a time bound manner. Therefore, neither on law nor on facts, the petitioners/sub lessees are entitled to continue. However, taking into consideration the facts of the case, the respondent shall consider the request of the petitioner in W.P.(MD) No.9629/2020 for alternative accommodation to carry out the business till the completion of the smart city project subject to the conditions that have to be imposed. The said decision will have to be taken by the official respondents within eight weeks from the date of receipt of a copy of this order. Till such time, the petitioners in W.P.(MD) No.8422/2020 will have to be continued. The submissions made by the learned Additional Advocate General that the request of the petitioner in W.P.(MD) No.9629/2020 would be considered favorably subject to the availability stands recorded.



The writ petitions stand disposed of accordingly. No costs. Consequently connected Miscellaneous petitions are closed.

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Sd/-

Assistant Registrar(CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RR

Note: 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 Commissioner
Thoothukudi Municipal Corporation,
Corporation Office,
Thoothukudi.

2.The Managing Director,
Thoothukudi Smart City Limited,
Thoothukudi City Municipal
corporation Building,
113 Palayamkottai Road,
Thoothukudi District.

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-15079[F]
dated 01/04/2021)

+1 CC to M/s.S.SAJI BINO, Advocate (SR-15261[F] dated
01/04/2021)

Order made in
W.P. (MD) Nos.8422 and 9629 of 2020
Dated: 31.03.2021

SRK(CO)

TR(23.04.2021) 4P 5C