



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.[MD]Nos.8652 and 7544 of 2020

and

W.M.P.[MD]Nos.8001 and 7038 of 2020

W.P.[MD]No.8652 of 2020:-

K.Raja

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep by the Secretary,
Municipal Administration and
Water Supply Department,
Secretariat, Fort St.George,
Chennai-9.

2.The Trichy Corporation,
Rep by its Commissioner,
No.58, Bharathidasan Salai,
Cantonment,
Trichy District.

3.The District Collector,
Trichy District,
Trichy.

4.The Managing Director,
O/o. The Managing Director,
Trichy Smart City Ltd.,
Corporation Building,
No.58, Bharathidasan Salai,
Cantonment, Trichy District.

5.The Director of Town and Country Planning,
O/o. the Director of Town and Country Planning,
807, Anna Salai, Chennai-02.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the respondents 2 and 4 from evicting the petitioner from his respective shops in shop at No.5, Chinthamani Market, Trichy Municipal Corporation Building, Kalliamman Kovil Street, Near Chattiram Bus Stand, Trichy District without following the due process of law and consequently direct the respondents to re-induct the petitioners as tenants and provide them shops in the smart city project without conducting fresh auction and also to provide alternate temporary shops until the completion of smart city project.



For Petitioner

: Mr.T.Lajapathi Roy

For Respondents

: Mr.R.Baskaran

Standing Counsel for Government

W.P.[MD]No.7544 of 2020:-

- 1.A.Samidurai
- 2.K.Chandrapraba
- 3.R.Jayaraj
- 4.K.Srinivasan
- 5.S.Sanmugasundaram
- 6.S.Palakkani Sekar
- 7.P.Kanagaraaj
- 8.M.Ramesh
- 9.K.Somasundaram
- 10.S.Sahaya Rani
- 11.U.Moulana Hajirudeen
- 12.A.Malarvizhi
- 13.M.Tamilselvan

... Petitioners

Vs.

- 1.The State of Tamil Nadu,
Rep by the Secretary,
Municipal Administration and
Water Supply Department,
Secretariat, Fort St. George,
Chennai-9.

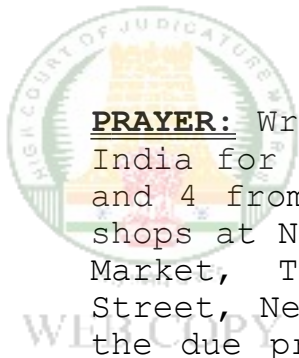
- 2.The Trichy Corporation,
Rep by its Commissioner,
No.58, Bharathidasan Salai,
Cantonment,
Trichy District.

- 3.The District Collector,
Trichy District,
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O/o. The Managing Director,
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O/o.the Director of Town and Country Planning,
807, Anna Salai, Chennai-02.

... Respondents



PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the respondents 2 and 4 from evicting the petitioners from their respective shops in shops at No.1, 3, 18, 2, 4, 6, 14, 15, 16, 8, 9, 13, 12, Chinthamani Market, Trichy Municipal Corporation Building, Kalamman Kovil Street, Near Chattiram Bus Stand, Trichy District without following the due process of law and consequently direct the respondents to re-induct the petitioners as tenants and provide them shops in the smart city project without conducting fresh auction and also to provide alternate temporary shops until the completion of smart city project.

For Petitioner : Mr.T.Lajapathi Roy

For Respondent Nos.1, : Mr.R.Baskaran
3 & 5 Standing Counsel for Government

For Respondent Nos.2, : Mr.S.Saji Bino
& 4 Standing Counsel

COMMON ORDER

[Common Order of the Court was made by **T.S.SIVAGNAM, J.**]

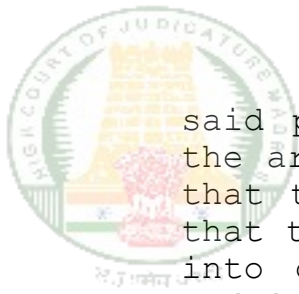
Heard Mr.T.Lajapathi Roy, learned Counsel appearing for the petitioners and Mr.R.Baskaran, learned Standing Counsel for Government appearing for the State and Mr.S.Saji Bino, learned Standing Counsel for the Trichy Municipal Corporation.

2.The petitioners have filed these writ petitions seeking to forbear the respondents 2 and 4 from evicting the petitioners from their respective shops in Chinthamani Market, Trichy Municipal Corporation Building, Kalamman Kovil Street, Near Chattiram Bus Stand, Trichy District without following the due process of law and consequently direct the respondents to re-induct the petitioners as tenants and provide them shops in the smart city project without conducting fresh auction and also to provide alternate temporary shops until the completion of smart city project.

3. The learned counsel for the petitioners submitted that in the light of the order passed by this Court dated 02.07.2021, in W.P.(MD) No.10872 of 2021 etc., batch cases no separate order is required to be passed in these Writ Petitions.

4.The operative portion of the said order reads as follows:

"5.Therefore, if the writ petitioners are to be vacated from the premises without any alternate accommodation, they may be put to great hardship, more particularly, during the Covid-19 pandemic. Therefore, as a welfare measure, the respondent Corporation can consider an alternate site, so that the petitioners and other similarly placed persons can erect temporary shops in the



said place and vacate and hand over vacant possession of the area in question. This Court is conscious of the fact that there is no vested right on the petitioners to claim that they shall be granted alternate accommodation. Taking into consideration the pandemic situation and the trades and businesses were ordered to be closed as part of the lock down measures brought about by the State of Tamil Nadu, the respondent Corporation can take a slightly lenient view in so far as the writ petitioners are concerned.

6.The Court is also conscious of the importance of the Smart City Project and undoubtedly, the entire public of Trichy city would be benefited by the project and obviously, the petitioners, who are also residents of Trichy city, would be the beneficiaries of the Smart City Project. Very recently, we read in the newspaper that the implementation of the Smart City Project in Tirunelveli city has been adjudged as one of the best. Therefore, the petitioner should cooperate with the respondent Corporation and the authorities in vacating their shops to implement the Smart City Project, which is a time bound project for which funds have been allotted by the Central Government.

7.The respondent Corporation is directed to identify an alternate site to accommodate the petitioners who are stated to be 19 in number, including three shop owners who have not filed writ petitions and alternate site can be identified within 15 days from the date of receipt of a copy of this order and intimated to the petitioners. The petitioners are directed to accept the proposal given by the respondent Corporation and this Court will not appreciate if any bargaining is done by the petitioners, as we have already held that there is no vested right for the petitioners to seek for alternate site and this direction is issued considering the pandemic situation which is prevailing now. The respondent Corporation shall put on notice the petitioners and grant them 15 days time to vacate and relocate their shops in the alternate space and hand over vacant possession of the present area of the respondent Corporation. It is made clear that no extension of time will be entertained. Till the above process is completed, no coercive action shall be initiated against the petitioners and the other three shop owners pursuant to the impugned notices, which shall be kept in abeyance.

8.The learned Standing Counsel for the respondent Corporation submitted that among the writ petitioners, four of them in W.P.[MD]Nos.10875, 10879, 10881 & 10883 of 2021, are not the original licensees and the original licensees have sub-leased the premises. If that is so, we leave the decision to the Commissioner of the Trichy Corporation, to



consider whether the benefit of this order should inure in favour of those four petitioners and the decision of the Commissioner of the Trichy Corporation shall be final. It is further submitted that some of the writ petitioners, namely, petitioners in W.P.[MD]Nos.10876, 10880, 10881, 10882, 10884 & 10888 of 2021, are in arrears of the license fee / lease rent to the tune of more than Rs.1.5 lakh each. Learned Counsel for the petitioner submits that the arrears have been paid. In any event, if the arrears is not cleared, the benefit of this order will not inure to them and the writ petitions will stand automatically dismissed, without reference to this Court.

9.With the above directions, these Writ Petitions stand disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed."

5.In the light of the above order, these Writ Petitions are disposed of as no further direction is required as sought for. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sj

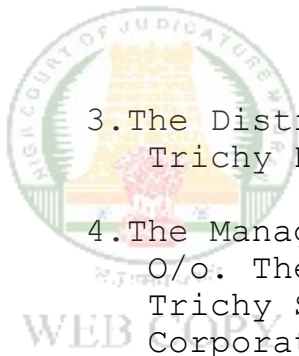
Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Secretary,State of Tamil Nadu,
Municipal Administration and
Water Supply Department,
Secretariat, Fort St.George,
Chennai-9.

2.The Commissioner,
Trichy Corporation,
(Srirangam Division),
No.58, Bharathidasan Salai,
Cantonment,
Trichy District.

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



3.The District Collector,
Trichy District, Trichy.

4.The Managing Director,
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O/o.the Director of Town and Country Planning,
807, Anna Salai, Chennai-02.

+2 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-22634,SR-22638[F] dated
15/07/2021)

+1 CC to M/s.SPL GP (SR-22928[F] dated 16/07/2021)

W.P.[MD]Nos.8652 and 7544 of 2020

14.07.2021

RD(23.07.2021) 6P 9C