



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.05.2022

CORAM :

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.13408, 13411, 13412, 13413,
13414, 13418, 13421, 13422
and 13429 of 2022
and connected miscellaneous petitions
WMP.Nos.12627 to 12642, 12644 & 12645/2022

G.Sekar ...Petitioner in W.P.Nos.13408, 13413,
13414, 13421, 13422&13429 of 2022
Gangatharan.C ...Petitioner in W.P.No.13411 of 2022
Anbu ...Petitioner in W.P.No.13412 of 2022
R.Velu ...Petitioner in W.P.No.13418 of 2022

Vs.

The Municipal Commissioner
O/o. Thiruvathipuram Municipality, Municipal Office
No.5, Anumanthanpet
Thiruvathipuram- 604 407.

...Respondent

Common Prayer: Petition filed under Article 226 of the Constitution of India praying for a writ of Certiorarified Mandamus to call for the impugned notice dated 13.05.2022 bearing number 2440/2021/A1 passed by the respondent and quash the same and the proceedings arising thereof and consequently to hold proper and fresh proceedings within the time frame.

For the Petitioner in : Mr.Kaviyanathan for
all WPs M/s.Nathan and Associates

For the Respondent in : Mr.R.Neelakandan
all WPs Additional Advocate General
assisted by
Mr.P.Balathandayutham
Special Government Pleader

COMMON ORDER

The writ petitions on hand has been instituted questioning the notice dated 13.05.2022 issued by the respondent Municipality.

2. The petitioners state that they are in occupation of the commercial complex in Thiruvathipuram locality and the premise





pending for several months and more so the respondent Municipality has already obtained building plan approval and granted work order in favour of the contractors and the building work are to be commenced without any delay. The delay in construction would result in financial loss to the Municipality.

7.Considering the facts and circumstances and based on the undertaking given by the petitioner to vacate the premises within a period of one month from today, this court is inclined to grant one month time to vacate the respective premises by the petitioners. Accordingly, the petitioners are directed to vacate the premises and handover the possession to the competent authorities of the respondent Municipality on or before 30.06.2022.

8.It is needless to state that after construction of a new commercial building, the petitioners are at liberty to submit their respective applications for allotment, if they are otherwise eligible in accordance with the rules in force. The respondents are at liberty to recover the arrears of rents, if any, from the respective petitioners by following the procedures as contemplated. In case of excess payment of rent, the same shall also be refunded to the petitioners concerned.

9.Accordingly, the writ petitions stand disposed of. Consequently, connected miscellaneous petitions are also closed. There will be no order as to costs.

Sd/-
Assistant Registrar/
Vacation Officer

//True Copy//

Sub Assistant Registrar

kk/drm

To:

The Municipal Commissioner
O/o. Thiruvathipuram Municipality
Municipal Office, No.5, Anumanthanpet
Thiruvathipuram- 604 407.

+1cc to M/s.Nathan and Associates, Advocate, S.R.No.31913

W.P.Nos.13408, 13411, 13412,
13413,13414, 13418, 13421,
13422 and 13429 of 2022

and connected miscellaneous petitions

AJS (CO)

RGA(02/06/2022) (03/06/2022)