



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2022

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.Nos.15185, 15188, 15191, 15192, 15193, 15194,
15196, 15197, 15198 & 15199 of 2022

and

W.M.P.Nos.14363, 14364, 14365, 14370, 14369, 14371,
14373, 14372, 14374 & 14376 of 2022

A.G.Sivasami	... Petitioner in W.P.No.15185 of 2022
Syed mohamed	... Petitioner in W.P.No.15188 of 2022
K.Ramkumar	... Petitioner in W.P.No.15191 of 2022
G.Pandurengan	... Petitioner in W.P.No.15192 of 2022
G.Ganesan	... Petitioner in W.P.No.15193 of 2022
R.Jayasankar	... Petitioner in W.P.No.15194 of 2022
N.Selvam	... Petitioner in W.P.No.15196 of 2022
Hasan Hussain	... Petitioner in W.P.No.15197 of 2022
V.P.Ganapathiyapillai	... Petitioner in W.P.No.15198 of 2022
P.Chellammal	... Petitioner in W.P.No.15199 of 2022

Vs.

1. The Commissioner,
Nagapattinam Municipality,
Nagapattinam District - 611 001.
2. The Revenue Inspector-II,
Nagapattinam Municipality,
Nagapattinam District - 611 001.

... Respondents in all WP's

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorarified Mandamus, calling for the records of the first respondent in Na.Ka.No.4726/2016/A4 dated 07.04.2022, and quash the same as arbitrary, illegal, against law and violation of Principal of Natural Justice and consequently directing the first respondent herein to permit the petitioner to continue with his business in Shop No.29, Shop No.24&27, Shop No.18, Shop No.19, Shop No.20, Shop No.26, Shop No.30, Shop No.22, Shop No.25, Shop No.21, Azath Market, Nagapattinam Municipality, Nagapattinam District.

For Petitioners : Mr.P.Dinesh Kumar
(In all W.Ps)



For Respondents : Mr.P.Srinivas
(In all W.Ps) standing counsel

COMMON ORDER

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Mr.P.Srinivas, learned standing counsel takes notice on behalf of the respondents.

2. The petitioners have challenged the impugned notices dated 07.04.2022, asking the petitioners to vacate the shops, where they are in occupation through their predecessors for a period over thirty to fifty years.

3. It is the specific case of the petitioners that the impugned notices have been issued directing the second respondent to take steps to evict the petitioners from the shops without following the Principles of Natural Justice.

4. The learned standing counsel appearing for the respondents, on the other hand, submitted that talks have been going with the petitioners and other persons who have leased the shop from October 2021 and a decision has been taken to demolish the existing shops, as they are in dilapidated condition. It is further submitted that the work orders have also been issued to the contractors and that the construction work will be completed within a period of twelve months from the date of commencement of the construction.

5. It is further submitted that bulk of the shops have been vacated and demolition have also commenced and therefore the petitioners cannot be allowed to continue. It is further submitted that during the interregnum, alternative sites have also been arranged, and if the petitioners are interested to shift, they can have a new shopping/marketing complex instead of the existing place which is in dilapidated condition.

6. Heard the learned counsel for the petitioner and the learned standing counsel for the respondents.

7. There is no merits in the writ petitions. The buildings are old and are in dilapidated condition. The only protection that can be given at this point of time is to direct the respondents to give an alternative site to the petitioners before vacating them from the said shops, which are presently under their control. Priority may be given to the petitioners as and when new shops are constructed and are ready for being occupied. The additional number of shops which are constructed may be auctioned.



8. Under these circumstances, I am inclined to dispose of this writ petition by directing the respondents to take steps to rehabilitate the petitioners in an alternative site for a period of twelve months. As and when new construction is completed, the petitioners and others who have been asked to vacate the shops may be given priority.

9. The petitioners are however bound to pay the lease rents that may be fixed by the respondents. It is made clear that the petitioners shall co-operate with the respondents and shall not create any law and problem situation for the respondents to proceed further.

10. The Writ Petitions stand disposed of with the above observations. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

Sd/-
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

arb

To

1. The Commissioner,
Nagapattinam Municipality,
Nagapattinam District - 611 001.
2. The Revenue Inspector-II,
Nagapattinam Municipality,
Nagapattinam District - 611 001.

+10ccs to Mr.P.Dinesh Kumar, Advocate, S.R.No.36717 to 36726

+1cc to the Government Pleader, S.R.No.37648

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15196, 15197, 15198 & 15199 of 2022
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NR (CO)
CT/07/07/2022