



WEB COPY



W.P.Nos.34435, 34441, 34444, 34445 and 34449 of 2022 etc

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.12.2022

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THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.Nos.34435, 34441, 34444, 34445 and 34449 of 2022

and

W.M.P.Nos.33887, 33888, 33889, 33891, 33892, 33894, 33895, 33896, 33897,
33898, 33899, 33900, 33902, 33903, 33904 of 2022

W.P.No.34435 of 2022:-

J.Krishnan

... Petitioner

-VS-

1.The Secretary,
Urban Development Authority,
Fort St.George,
Chennai – 600 009.

2.The Commissioner,
Arakkonam Municipality,
Arakkonam.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for records relating to the Order No.Na.Ka.No.1445/2022/அ1 dated 14.12.2022 passed by the 2nd respondent and quash the same and consequently direct the 2nd respondent to permit the petitioner to continue to occupy the Block No.B, shop No.5/1 in the daily market of Arakkonam Municipality.



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For Petitioners : Mr.M.Gnanasekar

For Respondents : Mr.K.Karthick Jeganath
Government Advocate

COMMON ORDER

This Writ Petitioner filed challenging the Eviction notice dated 14.12.2022 in Order No.Na.Ka.No.1445/2022/௮1 issued by Municipality.

2. The main contention of the petitioners is that they have been continuing as tenants from the year 1989. However, now the notice have been served on them to evict the premises. Challenging the same, they have filed this present Writ Petitions.

3. The learned counsel for the respondents, on instruction, submitted that the respondents have decided to demolish the existing construction, since it is in damaged condition and construct a new shop and all the formalities have been completed in that regard. It is also stated that the persons, who have already paid rent and professional tax, will be allotted shops after construction, in priority basis. This submission is recorded. The written statement is filed before this Court.

4. That apart, Commissioner is also present here and submitted that



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alternative vacating cites will be provided before vacating the tenants and it for the petitioners to erect a construction.

5. In view of the matter that the respondent has decided to re-construct the entire area and allot the shops, as per Rules and the petitioners cannot resist the same. As the respondents themselves admitted that those who have paid rent and professional tax will be taken into consideration in priority basis, therefore, this Court finds that the notice of eviction cannot be challenged. The learned counsel for the petitioners also submitted that, if they are given allotment in priority basis, they have no grievance.

6. Accordingly, these Writ Petitions are disposed of. Consequently, the connected Miscellaneous Petitions are closed. No costs.

23.12.2022

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Index: Yes



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N. SATHISH KUMAR, J.

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To

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