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W.P.(MD)NO.18594 OF 2022

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 16.08.2022**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**W.P.(MD)No.18594 of 2022 and**  
**W.M.P.(MD)Nos.13524 & 13526 of 2022**

1. A.Gopalakrishnan

2. Ranjitham

3. S.Mani

... Petitioners

Vs.

1. The State of Tamil Nadu,  
Rep. By the Principal Secretary,  
Department of Municipal Administration  
and Water Supply,  
Fort St. George,  
Chennai.

2. The Tirunelveli Corporation,  
Rep. By its Commissioner,  
Tirunelveli District.

3. The Managing Director,  
O/o.The Managing Director,  
Tirunelveli Smart City Ltd.,  
Corporation Building, SN High Road,  
Tirunelveli District.

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

5. The District Collector,  
Tirunelveli District, Tirunelveli.

... Respondents



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**Prayer:** Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents from evicting the petitioners from their respective shops bearing Nos.28/24, 4/3 and 4/4 Mahatma Gandhi Market, situated at Palayamkottai, Tirunelveli District, without due process of law in the light of the order passed by the Hon'ble Division Bench of this Court in W.P.(MD) Nos.2263, 2265, 2268 etc., of 2021 dated 01.09.2021.

For Petitioners : Ms.H.Jasima Yasmin,  
for M/s.Ajmal Associates.

For R-1, R-4  
& R-5 : Mr.N.Ramesh Arumugam,  
Government Advocate.

For R-2 & R-3 : Mr.S.P.Maharajan,  
Standing counsel.

\* \* \*

### **ORDER**

Heard the learned counsel appearing for the writ petitioner and the learned Government Advocate appearing for respondents 1,4 and 5 and the learned Standing counsel appearing for respondents 2 and 3.



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**2.** The petitioners are occupants of shops in Mahatma Gandhi market in Palayankottai. The Corporation proposed to demolish Mahatma Gandhi Market and build a new market as a part of the Smart City project. The petitioners apprehend that even without any notice, their shops may be demolished. It is further asserted that their licenses are still in force. The learned counsel appearing for the petitioner would draw my attention to the order dated 01.09.2021 passed by the Hon'ble Division Bench in W.P.(MD)No.2263 of 2021 etc. batch.

**3.** The prayer in the writ petition is that the due process of law should be followed by the respondents. No exception can be taken to the said request. Each of the petitioners are directed to give an undertaking before this Court that they will receive any notice that may be issued by the second respondent. The second respondent had already undertaken before the Hon'ble Division Bench that before directing the occupants to vacate their shops, they will be given alternative shops. The eviction notice to be issued by the second respondent will conform to the said undertaking. This



writ petition stands disposed of accordingly. No costs.

Consequently, connected miscellaneous petitions are closed.

**16.08.2022**

Index : Yes / No

Internet : Yes/ No

PMU

**To:**

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**G.R.SWAMINATHAN,J.**

PMU

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16.08.2022