



W.P.(MD)Nos.28595 to 28599 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)Nos.28595 to 28599 of 2022

and

W.M.P.(MD)Nos.22602 to 22604, 22607 to 22618 of 2022

S.Charles

... Petitioner in
W.P.(MD)Nos.28595 to 28597/2022

M.P.M.Jamal Mohammed

... Petitioner in
W.P.(MD)No.28598/2022

A.Jinnah

... Petitioner in
W.P.(MD)No.28599/2022

Vs.

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



W.P.(MD)Nos.28595 to 28599 of 2022

Fort St. George,
Chennai.

- 2.The Tirunelveli Corporation,
Rep. By its Assistant Commissioner,
Tirunelveli.
- 3.The Managing Director,
O/o. The Managing Director,
Tirunelveli Smart City Ltd.,
Corporation Building,
SN High Road,
Tirunelveli District.
- 4.The Director of Town and Country Planning,
O/. the Director of Town and Country Planning,
807, Anna Chalai, Chennai – 02.
- 5.The District Collector,
Tirunelveli District,
Tirunelveli.
- 6.The Commissioner of Police,
O/o. The Commissioner of Police,
Tirunelveli City,
Tirunelveli.

... Respondents in
all W.Ps.

COMMON PRAYER : Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order in Na.Ka.No.A1/6557/2020, dated 02.12.2022 on the file of the respondent No.2 issued in respect of Shop Nos.9/44, 28/1, 9/42,



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9/27 and 9/24, Tax Assessment Nos.30185, 30507, 30183, 30168 and 30163 at Mahatma Gandhi Market, Palayamkottai, Tirunelveli District served upon the petitioner on 06.12.022 and quash the same and consequently forbear the respondent No.2 from evicting the petitioner without providing water connection and electricity supply and temporary toilet in the proposed temporary market at Jawahar Tidal, Palayamkottai, Tirunelveli District.

For Petitioners : Mr.T.Lajapathi Roy
(In all W.Ps)

For Respondents : Mr.K.Balasubramani,
(In all W.Ps) Spl. Govt. Pleader for R1, R4 & R5
Mr.S.P.Maharajan,
Standing Counsel for R2 & R3
Mr.S.Manikandan,
Government Advocate (Crl. Side) for R6

COMMON ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

These Writ Petitions have been filed for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned



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order in Na.Ka.No.A1/6557/2020, dated 02.12.2022, on the file of the respondent No.2 issued in respect of Shop Nos.9/44, 28/1, 9/42, 9/27 and 9/24, Tax Assessment Nos.30185, 30507, 30183, 30168 and 30163 at Mahatma Gandhi Market, Palayamkottai, Tirunelveli District served upon the petitioners on 06.12.022 and quash the same and consequently forbear the respondent No.2 from evicting the petitioners without providing water connection and electricity supply and temporary toilet in the proposed temporary market at Jawahar Tidal, Palayamkottai, Tirunelveli District.

2. It is the grievance of the petitioners that the second respondent without issuing show cause notice, issued the impugned eviction notice. Further, without providing basic amenities to the shop owners, like electricity, water pipeline connection and temporary toilets, the respondents are trying to shift the Mahatma Gandhi Market to Jawahar Tidal, Palayamkottai, Tirunelveli District. Hence, the petitioners have filed these writ petitions.



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3. The learned Standing Counsel appearing for the respondents Corporation has produced the written instructions of the second respondent, wherein it is stated that as the existing building is already in a dilapidated state, the construction of the new market is essential and the Corporation itself is not financially viable to take up the construction with its own funds. Further, it is stated that the provision of electricity, water connection and toilets are underway and is likely to be completed in less than a week and hence, this Court may direct the lessees to move to the temporary shops before 30.12.2022.

4. Recording the written instructions submitted by the Corporation that they provide the common water supply, electricity and toilets within a week, we direct the petitioners / lessees to move to the temporary shops at Jawahar Tidal, Palayamkottai, Tirunelveli District, on completion of the aforesaid work. It is made clear that the respondent shall not shift the market to the Jawahar Tidal, Palayamkottai, Tirunelveli District, unless the aforesaid work is completed.



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WEB COPY 5. With the above directions, these Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

[D.K.K., J.] [R.V., J.]
21.12.2022

Index : Yes / No
Internet : Yes / No
vsm

To

1. The Principal Secretary,
State of Tamil Nadu,
Department of Municipal Administration
and Water Supply,
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Chennai.
2. The Assistant Commissioner,
Tirunelveli Corporation,
Tirunelveli.
3. The Managing Director,
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- 4.The Director of Town and Country Planning,
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