



W.P.Nos.6295, 6297 & 6298 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: **01.03.2023**

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.Nos.6295, 6297 & 6298 of 2023
and W.M.P.Nos.6316, 6317 & 6319 of 2023

K.Athiyaman	...	Petitioner in W.P.No.6295 of 2023
Muthamil Selvan	...	Petitioner in W.P.No.6297 of 2023
Thambidurai	...	Petitioner in W.P.No.6298 of 2023

Versus

1.The Commissioner
Ariyalur Municipality
Ariyalur

2.State of Tamil Nadu
Municipal Administration and Water Supply Department
Fort St.George
Chennai – 600 009
W.Ps.

... Respondents in all

Prayer in both Writ Petitions :

The Writ Petitions are filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus, to call for the records of the 1st respondent in Na.Ka.No.6718/2023/A1 dated 13.2.2023 and consequential order in Na.Ka.No.6718/2023/A1 dated 24.02.2023 and quash the same and consequently direct the 1st respondent to offer alternate accommodation in the temporary bus stand in the same lease terms and also provide preferential right and priority in allotment of shops in the new bus stand complex.

For Petitioner in all W.Ps. : Mr.Srinath Sridevan, Senior Counsel
for Mr. Bhagavath Krishnan

For Respondents in all W.Ps. : Mr.L.P.Maurya for R1
Standing Counsel
Mr.N.Naveen Kumar for R2
Government Advocate



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COMMON ORDER

The prayer as sought for in both the writ petitions are similar in nature and directed against the very same respondents and hence, both the writ petitions are heard together and disposed of by common order.

2. These writ petitions are filed seeking to call for the records of the 1st respondent in Na.Ka.No.6718/2023/A1 dated 13.2.2023, consequential order in Na.Ka.No.6718/2023/A1 dated 24.02.2023, quash the same and consequently direct the 1st respondent to offer alternate accommodation in the temporary bus stand in the same lease terms and also provide preferential right and priority in allotment of shops in the new bus stand complex.

3. It is the contention of the petitioners that they are in possession of the property based on the lease agreement with the Municipality and are regularly paying the rents. When the matter stood thus, by impugned orders dated 13.02.2023 and 24.02.2023, by the respondents seeking to evict the petitioners from the subject property after paying the arrear amounts.

4. The learned Standing Counsel took notice for the 1st respondent and submits that the impugned order has been passed only pursuant to the



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G.O.Ms.No.173, dated 08.12.20202, wherein, the fund has been sanctioned by

the Government of Tamil Nadu for construction of shops and fund has also been allotted. It is his further contention that even at the time of license there is a specific condition that if the rent is not paid for more than three months, the license will be cancelled. Similarly, Municipality has reserved right to cancel the license and to take possession at any time. Hence, opposed the Writ Petitions.

5. Though the petitioners are inducted as a licensee, the impugned notice has been issued for vacating the building besides claiming arrears and on the ground of reconstruction.

6. The respondent also brought to the notice of G.O.Ms.No.173 dated 08.12.2022, wherein, for the purpose of construction of new bus stand complex and other facilities in various districts including the Ariyalur District, the Government has sanctioned funds for reconstruction of the shops and the petitioners being a licensee and inducted into possession subject to the conditions that shops will be taken back any time, now the petitioners cannot question the impugned orders.

7. In such view of the matter, as the Government has already passed the



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Government Order sanctioning the funds for construction of the new shops, the petitioners cannot question the same.

8. In such view of the matter, at the most after reconstruction the petitioners shall be considered on preferential basis for allotment.

9. At this juncture, the learned Senior counsel appearing for the petitioners, submitted that since there are empty shops available in the place in question, the request of the petitioners may be considered for re-occupation subject to clearing the arrears of lease amounts within a week's time from the date of receipt of a copy of this Order.

10. It is needless to mention that if the petitioners clear the entire arrears of lease amount within a period of one week from the date of receipt of a copy of this order, subject to availability of any shop in the bus stand area in question, the request of the petitioners will be considered by the second respondent on humanitarian grounds. It is also submitted before this Court that the petitioner will vacate the premises within 15.03.2023.

11. With the above directions, the Writ Petitions are disposed of. No



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costs. Consequently, Connected Writ Miscellaneous Petitions are closed.

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01.03.2023

Neutral Citation : Yes/No
Speaking/Non Speaking order : Yes/No
Index : Yes/No
Internet : Yes/No
dhk

To

1.The Commissioner
Ariyalur Municipality
Ariyalur

2.The Secretary
State of Tamil Nadu
Municipal Administration and Water Supply Department
Fort St.George
Chennai – 600 009

N.SATHISH KUMAR, J.



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