



Writ Petition Nos.6833, 6835 and 6837 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 3/3/2023

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Writ Petition Nos.6833, 6835 and 6837 of 2023

a n d

W.M.P.Nos.6937, 6940 and 6942 of 2023

Revathi	...	Petitioner in W.P.No.6833 of 2023
Periyasamy	...	Petitioner in W.P.No.6835 of 2023
Muthulakshmi	...	Petitioner in W.P.No.6837 of 2023

Vs

1. The Commissioner Ariyalur Municipality Ariyalur		
2. State of Tamil Nadu Municipal Administration and Water Supply Department Fort St. George Chennai 600 009.	...	Respondents in both the writ petitions

COMMON PRAYER : Petitions filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus to call



Writ Petition Nos.6833, 6835 and 6837 of 2023

for the records of the first respondent in Na.Ka.No.6718/2023/A1 dated 13/2/2023 and consequential order in Na.Ka.No.6718/2023/A1 dated 24/2/2023 and quash the same and consequently, direct the first 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 Petitioners ... Mr.Guru Dhananjay

For respondents ... Mr.L.P.Maurya
for R.1.

Mr.N.Naveen Kumar
Government Advocate
for R.2.

- - - - -

COMMON ORDER

These writ petitions have been filed to quash the order, dated 13/2/2023 passed by the first respondent in Na.Ka.No.6718/2023/A1 and consequential order dated 24/2/2023 made in Na.Ka.No.6718/2023/A1 and consequently, direct the first 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.



2. Heard Mr.Guru Dhananjay, learned counsel for the petitioners, Mr.L.P.Maurya, learned counsel for the first respondent and Mr.N.Naveen Kumar, learned Government Advocate for the second respondent.

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. Learned Government Advocate took notice for the second respondent and submits that the impugned order has been passed only pursuant to the 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 a view of the matter, as the Government has already passed the Government Order sanctioning the funds for construction of the new shops, the petitioners cannot question the same. At the most, after reconstruction, the name of the petitioners shall be considered on preferential basis for allotment.

8. At this juncture, the learned counsel appearing for the petitioners, submitted that since there are empty shops available in the place in question,



Writ Petition Nos.6833, 6835 and 6837 of 2023

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.

9. 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.

10. With the above directions, the Writ Petitions are disposed of. No costs. Consequently, Connected Writ Miscellaneous Petitions are closed.

3/3/2023

Index : Yes / No

Neutral Citation: Yes/No

mvs.



WEB COPY



Writ Petition Nos.6833, 6835 and 6837 of 2023

N. SATHISH KUMAR, J

mvs.

To

1. The Commissioner
Ariyalur Municipality
Ariyalur
2. State of Tamil Nadu
Municipal Administration and
Water Supply Department
Fort St. George
Chennai 600 009.

W.P.Nos.6833, 6835 and 6837 of 2023

3/3/2023