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W.P.Nos.7572, 7574 & 7577 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2023

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THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

W.P.Nos.7572, 7574 & 7577 of 2023

and

W.M.P.Nos.7687, 7689 & 7692 of 2023

W.P.No.7572 of 2023

Haja Mohideen
residing at
3/744, New Market Street, Ariyalur
Bus stand shop No.23,
Sivaperumal Bus stand, Ariyalur.

... Petitioner

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

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for records of the 1st Respondent in Na.Ka.No.6718/2023/A1 dated 13.02.2023 and consequential order in Na.Ka.No.6718/2023/A1 dated 24.02.2023 and quash the same and



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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.

W.P.No.7574 of 2023

A.Abdul Malik,
residing at
3/744, New Market Street, Ariyalur,
Bus Stand Shop No.2.
Sivaperumal Bus Stand, Ariyalur.

... Petitioner

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

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for records of the 1st Respondent in Na.Ka.No.6718/2023/A1 dated 13.02.2023 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



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and priority in allotment of shops in the new bus stand complex.

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W.P.No.7577 of 2023

Muthamil Selvan

residing at

91 C, Periyar Nagar, 4th Cross, Ariyalur,

Bus Stand Shop No.10.

Sivaperumal Bus Stand, Ariyalur.

... Petitioner

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

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for records of the 1st Respondent in Na.Ka.No.6718/2023/A1 dated 13.02.2023 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

: Mr.Bhagavath Krishnan



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[in all the cases]

For Respondents

: Mr.L.P.Maurya (for R1)

Standing counsel

[in all the cases]

Mr.V.Ramesh (for R2)

Government Advocate

[in all the cases]

COMMON ORDER

These Petitions have been filed for issuance of Writ of Certiorarified Mandamus, calling for records of the 1st Respondent in Na.Ka.No.6718/2023/A1 dated 13.02.2023 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.

2.Mr.L.P.Maurya, learned standing counsel, takes notice for R1 and Mr.V.Ramesh, learned Government Advocate, takes notice for R2.

3.Heard the learned counsel appearing for the parties.



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4.The Petitioners herein are in possession of their respective shops of the Respondent/Municipality under lease and they paid the rents regularly. As the Respondent/Municipality proposed to construct a new bus stand in the subject property, they have issued impugned notice to the Petitioners to pay the arrears of the rent and to vacate the premises.

5.It is brought to my notice that regarding G.O.(Ms).No.173, Municipal Administration & Water Supply (MA.IV) Department, dated 08.12.2022, on similar circumstances, this Court by order dated 01.03.2023 made in W.P.No.6295 of 2023 & batch, ordered 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.

6.In the light of the above order, these Writ Petitions are disposed of with the direction 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 and in the



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event of any new shop is available in the bus stand area, the request of the Petitioners will be considered by the 1st Respondent and the Petitioners shall vacate and hand over the vacant possession on or before 15.03.2023. No costs. Consequently, connected Miscellaneous Petitions are closed.

10.03.2023

Index : Yes/No
Neutral citation : Yes/No
Speaking Order/Non-Speaking Order

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To

1.The Commissioner,
Ariyalur Municipality,
Ariyalur.

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



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RMT.TEEKAA RAMAN.J,

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and
W.M.P.Nos.7687, 7689 & 7692 of 2023

Dated: 10.03.2023