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W.P.Nos.7766, 7767 & 7768 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2023

CORAM

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

W.P.Nos.7766, 7767 & 7768 of 2023

and

W.M.P.Nos.7972 to 7974 of 2023

W.P.Nos.7766 of 2023

Saravanan

residing at

26-B3, Chinthamani Street

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



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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.Nos.7767 of 2023

Kathirvel Raja
residing at
76, New Street, Ariyalur 621704
TANTEA Booth
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.



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W.P.Nos.7768 of 2023

Basheer Ahmed
residing at
35A, Kaitham Sreet, Ariyalur
Bus Stand Shop No.24,
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
[in all the cases]



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For Respondents

: Mr.L.P.Maurya (for R1)
Standing counsel
[in all the cases]

Mrs.S.Mythreye Chandru (for R2)
Special Government Pleader
[in all the cases]

COMMON ORDER

This Writ Petition have been filed to call 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.Heard the learned counsel for the Petitioners, the learned Special Government Pleader and the learned standing counsel.

3.In respect of W.P.No.7767 of 2023, the learned Special Government Pleader would submit that the Petitioner Kathirvel Raja is not having any shop in the petition premises and only an Aavin booth is there and hence, I am not



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inclined to entertain this Writ Petition. Accordingly, W.P.No.7767 of 2023 is dismissed.

4.In respect of W.P.Nos.7766 & 7768 of 2023, 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, the respondents seeking eviction of the Petitioners from the subject property after paying the arrear amounts.

5.The learned Standing Counsel took notice for the 1st 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. It is his further contention that even at the time of issuing 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.



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6. 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.

7. 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 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.

8. In such 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.

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



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10.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.

11.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 24.03.2023.

12.With the above directions, the W.P.Nos.7766 & 7768 of 2023 are disposed of and W.P.No.7767 of 2023 is dismissed. No costs. Consequently, Connected Writ Miscellaneous Petitions are closed.

14.03.2023

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 Secretary,
Municipal Administration and Water Supply Department
Fort St. George
Chennai 600 009.



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RMT.TEEKAA RAMAN.J,

sai

W.P.Nos.7766, 7767 & 7768 of 2023
and
W.M.P.Nos.7972 to 7974 of 2023

Dated: 14.03.2023