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W.P.No.8859 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: **24.03.2023**

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THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.P.No.8859 of 2023

and

W.M.P.No.9017 of 2023

Shanthi

... Petitioner

Versus

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 : The Writ Petitions are filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, to call for the 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 preferential right and priority in allotment of shops in the new bus stand complex.



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For Petitioner : Mr.Bhagavath Krishnan
For R1 : Mr.L.P.Maurya, Standing Counsel
For R2 : Mrs.S.Mythreye Chandru,
Special Government Pleader

ORDER

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

2.This writ petition is 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 petitioner that she is 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 petitioner



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from the subject property after paying the arrear amounts.

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4. 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 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



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conditions that shops will be taken back any time, now the petitioner cannot question the impugned orders.

7. 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 petitioner cannot question the same.

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

9. At this juncture, the learned Senior counsel appearing for the petitioner, submitted that since there are empty shops available in the place in question, the request of the petitioner 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 petitioner 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 petitioner will be considered by the second respondent on



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humanitarian grounds. It is also submitted before this Court that the petitioner

will vacate the premises within 27.03.2023.

11. With the above directions, the Writ Petition is disposed of. No costs.

Consequently, Connected Writ Miscellaneous Petition is closed.

24.03.2023

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

To

1. The Commissioner,
Ariyalur Municipality,
Ariyalur.

2. The Municipal Administration and Water Supply Department,
Fort.St.George,
Chennai - 600 009.

RMT.TEEKAA RAMAN, J.



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