



W.P.No.15207 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.15207 of 2023
and W.M.P.Nos.14713 & 14714 of 2023

Town Vegetable Vendors Welfare Association
Rep.by its President K.Subramanian,
Kattugudalur Road, Virudhachalam Municipality
Virudhachlam – 606 001, Cuddalore District.

.... Petitioner

-Vs-

- 1.The Secretary to Government
Municipal Administration and Water Supply
Department, Fort St.George, Chennai 600 009.
- 2.The Regional Director of Municipal Administration
Chengalpattu Zone, Chengalpattu.
- 3.The District Collector
Cuddalore District, Cuddalore.
- 4.The Commissioner
Virudhachalam Municipality
Virudhachalam, Cuddalore District.

.... Respondents

Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned order / Notices bearing Na.Ka.No.5497/2022/A2 dt.12.4.2023 on the file of the 4th respondent and quash the same as illegal incompetence without jurisdiction consequently direct the respondents not to unlawfully evicting the members of the petitioners association and further direct the respondent not to carry any activity to



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demolish the shops situated at Kattugudalur Road Virudhachalam which are under lawful occupation of the members of the petitioners Association.

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For Petitioner : Ms.D.Kamatchi
For Respondents : Mr.C.Selvaraj
Additional Government Pleader-for R1 to R3
Mr.B.Anand
Standing Counsel – for R4

ORDER

When the writ petition was admitted by this Court on 10.05.2023, the following order was passed.

"Mr.Abhishek Murthy, learned Government Advocate, accepts notice for respondents and seeks some time to obtain instructions and file counter.

2. The impugned order asks the petitioner to shift from their present location, in view of the rebuilding of the market place. The petitioner has made a representation on 17.09.2022 requesting that the members of the petitioner's Welfare Association not be disturbed. While making it clear that there is no interim stay of the impugned notice, let the respondents consider the representation dated 17.09.2022 even prior to the next date of hearing. Liberty is also given to the petitioner to make a supplemental representation, if they so desire.

List on 02.06.2023."



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2. When the matter was taken up for hearing today, the learned Standing Counsel appearing on behalf of the 4th respondent produced the reply given to the petitioner association for the representation made by them on 17.09.2022. Learned counsel for the petitioner submitted that the reply given by the 4th respondent is unsustainable and sought for liberty of this court to challenge the same. Learned counsel for the petitioner also raised an apprehension that the members of the petitioner association who are now doing business in the open market will be disturbed.

3. In the considered opinion of this Court, the reply that has been given by the 4th respondent has to be independently put to challenge. Hence, liberty is given to challenge the said reply given by the 4th respondent. The members belonging to the petitioner association need not have any apprehension that they will be disturbed since even as per the impugned notice dated 12.04.2023 they were permitted to do their business in the open market. In any case the 4th respondent had taken possession of the shops in order to demolish and construct new shops and in the meantime they have made an interim arrangement. That arrangement should continue and the persons who are doing business in the alternative place should not be unnecessarily disturbed.



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4. The learned Standing Counsel appearing on behalf of the 4th respondent submitted that an alternative place has also been suggested for carrying on with the business till construction of the new shops is completed and that the members belonging to the petitioner association will be accommodated in the alternative place.

5. This writ petition is accordingly closed with a liberty to challenge the reply dated 05.06.2023, if so advised. No costs. Consequently, connected miscellaneous petitions are also closed.

08.06.2023

Index : Yes/No

Neutral Citation :Yes/No

KST

To

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N.ANAND VENKATESH, J.

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