



Writ Petition No.19210 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2023

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.19210 of 2023

Lavanya

...Petitioner

Vs

- 1.The Additional Collector (Development)
Project Director (Incharge)
Tamil Nadu Corporation for Development of Women (TNCDW)
Villupuram.
- 2.The Block Development Officer (V.Oo)
Thiruvannainallur Block,
Thiruvannainallur Taluk,
Villupuram District.
- 3.The President,
Aanathur Panchayat,
Aanathur Village and Post,
Thiruvannainallur Taluk,
Villupuram District.
- 4.Mr.M.Chandrasekaran

...Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, call for the records and quash the proceeding of the 1st respondent in Na.Ka.No.A4/143/2021 dated 07.06.2023 and consequently forbear the respondents from disturbing the



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petitioner's possession of Shop No.3 in Panchayat Building Aanathur Bus Stand, Thiruvannainallur Taluk, Villupuram District.

For Petitioner : Mr.M.R.Gururaj for
Mr.D.Baskar

For Respondents : Mrs.S.Mythreye Chandru
Special Government Pleader
for R1
Mr.F.Azizulla Khan
Government Advocate for R2 and R3

ORDER

This writ petition has been filed challenging the proceedings of the 1st respondent dated 07.06.2023 and for a consequential direction to forbear the respondents from disturbing the petitioner's possession of shop No,3 at Panchayat Building, Aanathur Bus Stand, Thiruvannainallur Taluk, Villupuram District.

2.Heard Mr.R.Gururaj, learned counsel appearing on behalf of the petitioner, Mrs.S.Mythreye Chandru, learned Special Government Pleader appearing on behalf of the 1st respondent and Mr.F.Azizulla Khan, learned Government Advocate appearing on behalf of the respondents 2 and 3.



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3.The case of the petitioner is that the petitioner was allotted the subject shop and she has been doing the business of selling electrical goods for the last twenty five years. The further case of the petitioner is that the petitioner has paid the rents without fail and has complied with all the conditions imposed by the respondents and in spite of the same, the impugned proceedings came to be issued by the 1st respondent directing the petitioner to vacate and handover the possession of the shop within fifteen days i.e., on or before 15.06.2023. Aggrieved by the same, the present writ petition has been filed before this Court.

4.The learned counsel for the petitioner submitted that it is a clear political vendetta wherein, the 4th respondent who belongs to the ruling party had exerted pressure on the authority and had ensured that the petitioner is thrown out of the shop. It was further submitted that there was no reason for the 1st respondent to issue the impugned proceedings as the petitioner has not committed any default and has been running the shop by following all the terms and conditions.



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5.The learned Special Government Pleader submitted that totally three shops were allotted to the Women Self Help Groups and out of the same, two of the shops have already been vacated and the petitioner was in the occupation of the third shop. It was further submitted that the respondents want to allot the shops on a rotation basis and accommodate the other Women Self Help Groups also. Therefore, it was contended that there was no political vendetta and the petitioner was in fact given sufficient opportunity to explain and only thereafter, the impugned proceedings came to be issued by the 1st respondent.

6.It is an admitted case that the petitioner was permitted to run the business in the subject shop and the petitioner belonging to the Women Self Help Group has been running the business for nearly 25 years. The respondents want to allot the shops on rotation basis by giving a chance to others who belong to the Women Self Help Group. Hence, out of the three shops, two of the shops have been vacated and it is only the petitioner who continued to occupy the third shop. A notice was issued to the petitioner on 15.02.2023 in this regard and the petitioner had also given the explanation on



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04.03.2023 and only after considering the same, the impugned proceedings came to be issued by the 1st respondent.

7.In the considered view of this Court, the petitioner cannot claim any vested right in the shop and the petitioner has been allowed to run the business only based on the permission given by the 1st respondent. The petitioner cannot claim as a matter of right that she will continue to occupy the shop forever. If ultimately, the respondents want to allot the shops on a rotation basis to other women who belong to such Self Help Groups, the same cannot be faulted and there is nothing illegal in taking such a decision. This Court does not find any illegality in the proceedings issued by the 1st respondent and the same does not require the interference of this Court.

8.In the light of the above discussion, this Court is not inclined to interfere with the impugned proceedings of the 1st respondent in Na.Ka. No.A4/ 143 / 2021 dated 07.06.2023. The petitioner is given three months time to vacate and handover the shop to the 1st respondent. If the petitioner does not vacate within the time stipulated by this Court, it is left open to the respondents to take possession of the shop. It is also made clear that it will be



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left open to the petitioner to apply for allotment of shop in the category of Women Self Help Group and it is left open to the respondents to consider the same by taking into account of the fact that the petitioner will be thrown out of the business which she was doing for the last 25 years. Hence, some humanitarian consideration is required and it shall be kept in mind by the respondents while considering the request of the petitioner.

9.This writ petition is disposed of in the above terms. No Costs.

30.06.2023

Neutral Citation: Yes/No

Index: yes/no

Speaking Order/Non-Speaking Order

ssr

To

1.The Additional Collector (Development)

Project Director (Incharge)

Tamil Nadu Corporation for Development of Women (TNCDW)

Villupuram.

2.The Block Development Officer (V.Oo)

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3.The President,
Aanathur Panchayat,
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N.ANAND VENKATESH., J

SSR

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