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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2023

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THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.Nos.32261 & 32262 of 2014 and 4242 of 2015
and 33162, 33280 and 33283 of 2022
and

M.P.No.1 of 2015 (3 petitions) and WMP.Nos.32566,
32567, 32717, 32719, 32720, 32721 & 32722 of 2022

W.P.No.32261 of 2014:

S.Rajan

... Petitioner

Versus

1. The Government of Tamilnadu,
Rep by its Principal Secretary,
Adi Dravidar and Tribal Welfare Department,
Fort St. George, Chennai 9.

2. The Managing Director,
Tamilnadu Adi Dravidar Housing and
Development Corporation Ltd.
(THADCO) No.31 Second Lane,
Centop Road, Teynampet, Chennai 18.

3. The District Manager,
Tamilnadu Adi Dravidar Housing and
Development Corporation Ltd. (THADCO)
(Collectorate), Villupuram District.



4. The Executive Officer
Ulundurpet Town Panchayat,
Ulundurpet, Villupuram District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, forbearing the respondents 1 to 3 from alienating the complex shops situated at Ulundurpet & Taluk, Villupuram District to the 4th respondent and consequently direct the respondents 1 to 3 to renew license of the petitioner shop No.1.

For Petitioner : Mr.P.Vijendran

For Respondents : Mr.Karthik Jeyanth, GA RR1 to 3
Mr.K.M.Muhilan, AGP R4

ORDER

These writ petitions have been filed challenging the notice issued by the respondents 4 & 5 for eviction of the writ petitioners and for re-construction of the buildings.

2. The case of the writ petitioners is that the THADCO has constructed commercial complex at Ulundurpet Bus terminus. The Commercial complex consists of 10 shops at the eastern side and 10 shops at the western side of the bus terminus. The shops were constructed for promoting the welfare of the



SC/ST people by the THADCO. Such being the case, the 5th respondent issued notification on 16.03.1998 and the petitioners were successful bidder in the public auction, shops were allotted to them. During the year 2014, the 5th respondent had informed that they have prepared to sell the shops to the 6th respondent. Therefore, some of the shop owners have already filed a writ petition before this Court and obtained protection from the Court. While being so, the 6th respondent has issued notice dated 08.11.2022 stating that the building is damaged and therefore, the same has to be renovated. Challenging the said impugned notice, these writ petitions have been filed.

3. The learned counsel for the petitioners submitted that the buildings have been constructed by the THADCO only for the upliftment of the SC/ST people and the petitioners have been paying the rent regularly. Now it appears that the THADCO has transferred the buildings to the concerned town panchayat/local bodies, which is unsustainable.

4. The learned Government Advocate appearing for the respondents 1 to 3 submitted that admittedly notice has been issued only for eviction and reconstruction of the commercial complex and allot the shops only to SC/ST



people, who are not in default of payment of rent. It is the further contention of the respondents that there are huge arrears of the rent payable by the petitioners and even after construction, the shops will only be allotted to the SC/ST people, who are not in default of rent.

5. In reply, the learned counsel for the petitioners submitted that on the earlier occasion, this Court has directed the petitioners to pay the entire arrears of rent as specified in the resolution and if the entire arrears are paid by the petitioners, the respondents may consider the allotment of the shops after constructing the building in priority basis to the petitioners. However, the learned counsel for the petitioners seeks further two more months time to pay the arrears of rent.

6. Considering the fact that notice has been issued to the petitioners only for demolition and reconstruction of the building and also fact that the petitioners are willing to pay the entire arrears of rent, this Court directs the respondents to re-allot the shops to the petitioners on priority basis, after receipt of entire arrears of rent within a period of two months from the date of receipt of a copy of this order. If entire arrears are not paid by the petitioner as agreed



before the Court, the Respondents may go for public auction.

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7. With the above observations, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are also closed.

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Index : Yes/No

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N. SATHISH KUMAR, J.

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