



W.P. No. 31830 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 31830 of 2023

and

W.M.P. Nos. 31440 and 31441 of 2023

D.Lawrence

... Petitioner

-VS-

1. The Collector,
Nilgiris District,
No. 171, Church Hill Road,
Near Charing Cross,
Pudumund, Udhagamandalam,
Tamil Nadu – 643001.
2. The Commissioner,
Udhagamandalam Town Panchayat,
Municipal Administration,
Hospital Road, Upper Bazzar,
Udhagamandalam, Tamil Nadu – 643001.
3. The President,
Udhagamandalam Town Panchayat,
Udhagamandalam.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, to call for the notification dated 06.07.2023 issued by the Second Respondent in Na. Ka. No. 4586/2023/A7, quash the same and consequently direct the First to Third Respondents to issue fresh notification with clear reference towards sanctioning



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temporary shop in the near vicinity for the Petitioner until the new shops are constructed and handed over to the Petitioner and specify the Shop Number to be allotted for the Petitioner in the proposed new shops to be constructed by the Second Respondent, by granting atleast six months prior notice before initiation of the demolition activities at Udagai Municipality Market Flower Stall, Udhagamandalam – 643001.

For Petitioner : Ms. K.Subbulakshmi
for Chennai Law Associates

For Respondents : Mr. U.Baranidharan,
Additional Government Pleader (for R1)

Mr. P.Srinivas,
Standing Counsel (for R2)

ORDER

Heard Ms. K.Subbulakshmi, Learned Counsel appearing for the Petitioner, Mr. U.Baranidharan, Learned Additional Government Pleader, who takes notice for the First Respondent, and Mr. P.Srinivas, Learned Standing Counsel, who takes notice for the Second Respondent, and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner, who is a tenant in one of the Shop No. 2/103 running a Tea Leaf Shop in Municipality Market belonging to the Second Respondent,



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has filed this Writ Petition challenging the Notification in Na. Ka. No. 4586/2023/A7 dated 06.07.2023 by which it is proposed to demolish the existing building in the Market and provide temporary shops to those who have no arrears in payment of rent.

3. Learned Standing Counsel appearing for the Second Respondent has filed a memo dated 09.11.2023 in which it has been stated as follows:-

“1. The Respondent herein submits that the project of re-construction of the Municipal Market in Udthagamandalam is being taken up in phases.

2. As part of the first phase, 223 shops are proposed to be demolished. The eligible Licencees of the shops who have paid the Rent up to date and those who are the original allottees are eligible for the allotment of temporary shops pending the re-construction.

3. Out of 223 only 40 shops have fully paid rents 80 shops are already sealed due to default and evicted. The other shops are not showing any interest to remit the rental arrears.



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4. *As on date, 79 temporary shops are ready. 20 more shops are being prepared with necessary safeguards to enable proper safety to the articles of the allottees. After the said shops are completed in all respects and made suitable for occupation, the allotment will be made to the eligible persons.*

5. *The Petitioner's name will be considered when the allotment of temporary shops is carried out."*

In view of the aforesaid representation made, nothing remains for further consideration in the Writ Petition, but it would not preclude the Petitioner, if he has any further grievance, to work out his remedies before the proper forum in the manner recognized by law.

In fine, the Writ Petition is disposed with the aforesaid observations. Consequently, the connected Miscellaneous Petitions are closed. No costs.

09.11.2023

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Index: Yes/No

Note: Issue order copy by 28.03.2024.



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To

WEB COPY

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P.D. AUDIKESAVALU, J.

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