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W.P.(MD)NO.891 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.02.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)Nos.891 to 894 of 2023

Jeyachandran	... Petitioner in W.P.(MD)No.891 of 2023
Selvakumar	... Petitioner in W.P.(MD)No.892 of 2023
Muthuraman	... Petitioner in W.P.(MD)No.893 of 2023
Palaniyammal	... Petitioner in W.P.(MD)No.894 of 2023

Vs.

1. The District Collector,
Madurai District, Madurai.
2. The Commissioner,
Usilampatty Panchayat Union,
Usilampatty, Madurai.
3. The Chairman,
Usilampatty Panchayat Union,
Usilampatty,
Madurai.

... Respondents
in all petitions

Prayer in W.P.(MD)No.891 of 2023 : Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to refund the



deposit amount made by the petitioner in respect of Shop Nos.91, 93 and 98 NABARD Shops situated in S.No.240/1 and 240/1A, Usilampatty Village, Madurai District, by considering the representation dated 17.10.2022.

Prayer in W.P.(MD)No.892 of 2023 : Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to refund the deposit amount made by the petitioner in respect of Shop Nos.173, 176, 177 and 200 NABARD Shops situated in S. No.240/1 and 240/1A, Usilampatty Village, Madurai District, by considering the representation dated 17.10.2022.

Prayer in W.P.(MD)No.893 of 2023 : Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to refund the deposit amount made by the petitioner in respect of Shop Nos. 81, 83 , 85, 89 and 90 NABARD Shops situated in S. No.240/1 and 240/1A, Usilampatty Village, Madurai District, by considering the representation dated 17.10.2022.

Prayer in W.P.(MD)No.894 of 2023 : Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to refund the deposit amount made by the petitioner in respect of Shop Nos. 160 and 165 NABARD Shops situated in S.No.240/1 and 240/1A, Usilampatty Village, Madurai District, by considering the representation dated 17.10.2022.



(in all W.Ps.)

For Petitioners : Mr.R.Murali

For R-1 : Mr.G.Suriyananth,
Additional Government Pleader.

For R-2 & R-3 : Mr.C.Baskaran,
Government Advocate.

* * *

COMMON ORDER

Heard the learned counsel on either side.

2. The writ petitioners were allotted the petition mentioned shops. The specific allegation of the petitioners is that physical possession of the shops was not actually handed over to the petitioners.

3. I can take judicial notice of the fact that in respect of the shops in the very same complex, such issues arose and this Court had directed the local body to evict the encroachers and hand over the possession of the shops to the allottees. I further made it clear that the license period of the allottees will start running from the date when they are handed over possession. In the case on hand, the authorities are ready to



hand over the possession of the shops to the writ petitioners.

Therefore, the petitioners cannot seek refund of the deposit amounts. If they are insisting of refund, they may have to bear the loss otherwise caused to the local body.

4. I therefore direct the local body to hand over the physical possession of the petition mentioned shops to the respective allottees. It shall be done tomorrow ie. 15.02.2023 at 10.00 a.m. The license period of the petitioners will start commencing from tomorrow onwards. If the petitioners fail to co-operate, it is open to the local body to take appropriate action as per the license terms and conditions. The writ petitioners shall be present tomorrow at 10.00 am. in the petition mentioned shop premises. The entire event will be duly video-graphed also.

5. These writ petitions stand disposed of accordingly. No costs.

14.02.2023

NCS : Yes / No
Index : Yes / No
Internet : Yes / No
PMU

Note : Issue order copy on 14.02.2023.



WEB COPY



To:

1. The District Collector,
Madurai District, Madurai.
2. The Commissioner,
Usilampatty Panchayat Union,
Usilampatty, Madurai.
3. The Chairman,
Usilampatty Panchayat Union,
Usilampatty,
Madurai.



WEB COPY



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G.R.SWAMINATHAN,J.

PMU

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