



W.P(MD)Nos.2974 to 2992 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.03.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)Nos.2974 to 2992 of 2023

and

W.M.P(MD)Nos.2753 to 2808 of 2023
& 2810 of 2023

W.P(MD)No.2974 of 2023:

V.Muthathal

... Petitioner

Vs

The Palani Municipality,
Represented by its Commissioner,
Palani,
Dindigul District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.5033/2018/A1 dated 11.01.2023 on the file of the respondent served on the petitioner on 03.02.2023 issued in respect of Shop No.1, bearing Tax Assessment No.080/1741 at VOC Bus Stand, Palani, Dindigul District and quash the same as illegal consequently forbear the respondent from evicting the petitioner without providing the Alternate shop and reinduction after the completion of the project.



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For Petitioner : Mr.M.Mahaboob Fazil
for M/s.Lajapathi Roy and Associates

For Respondent : Mr.L.P.Mauriya
Standing Counsel

COMMON ORDER

The writ petitioners herein are licensees occupying shops belonging to Palani Municipality in the premises of VOC Bus stand. The licenses are valid up to 30.06.2025. In the meanwhile, by the impugned communications, the petitioners have been called upon to vacate and hand over vacant possession of the shops. The reason which impelled the Palani Municipality to issue such communications was that there is a proposal to demolish the existing premises and put up a new bus stand along with shopping complex.

2.Even though the petitioners' licenses are still holding good, in view of the offer made by the respondent Municipality, I am not inclined to interfere with the impugned communications. The petitioners are given time till 20.03.2023 to vacate and hand over possession of the premises.

3.Those of the petitioners who have cleared all the arrears will not only be entitled to participate in the auction to be held after the shopping complex is constructed, they will also be given preference in the sense that they can match the highest bid fetched in respect of each shop and thereupon they will be issued with the licenses.



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4.The next question that calls for consideration is making alternative arrangements for the petitioners. The learned counsel appearing for the petitioners states that alternative accommodation is very much available even within the existing Bus stand premises and also near the foothills (Adivaram). This Court may not be justified in issuing any direction straightaway. This Court however permits the petitioners to submit a formal representation to the local body by identifying alternative sites. The respondent / Palani Municipality is directed to consider the petitioners' request on merits. A decision will also be taken within a period of one week from the date of receipt of such representation. I would express the hope that the local body will definitely endeavor to accommodate the request of the petitioners to the maximum.

5.These writ petitions are disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

06.03.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA

Note: Issue Order Copy on 07.03.2023.



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G.R.SWAMINATHAN, J.

MGA

To

The Commissioner,
Palani Municipality,
Palani,
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