



W.P.(MD) No.12482 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 25.05.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.(MD) No.12482 of 2023

and

W.M.P(MD) Nos.10559 and 10561 of 2023

S.Nallaiah

...Petitioner

Vs

1. The Commissioner,
Tiruchirapalli City Corporation,
Bharathidasan Road, Cantonment,
Tiruchirapalli-620 001.
2. The Assistant Commissioner,
Ward Zone-5,
Tiruchirapalli City Corporation, Tiruchirappalli.
3. P.Basheer Ahamed

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned proceedings of the second respondent in Na.Ka.No.17137/2022/F1 (Ward 5) dated 09.05.2023 and quash the same



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as illegal and arbitrary and consequently direct the 2nd respondent herein to consider the representation of the petitioner dated 08.05.2023 and consequently to grant an extension of time for a period 6 months or more or any other period this Honourable Court deems fit to the petitioner to vacate the premises.

For Petitioner : Ms.T.K.Akalya

For Respondents : Mr.R.Baskaran
Senior Counsel
for M/s.R.B.Law Associates
for R1 and R2
Mrs.Jasimma Yasmin
for M/s.Ajmal Associates for R3

ORDER

By consent of both the parties, this Writ Petition is taken up for final disposal.

2. Though the petitioner herein has raised several grounds challenging the impugned order, learned counsel for the petitioner submitted that the petitioner is willing to vacate the premises provided he is granted a month's time.



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3. The learned Senior Counsel appearing for the respondents 1 and 2 would submit that the building is in a very dilapidated condition and that safety of the inmates is also under question.

4. The learned counsel appearing for the third respondent submitted that the petitioner has already relocated his pharmaceutical shop to 11th Cross Street in Thillai Nagar and has produced the copies of the cash receipts issued by the petitioner medical shop.

5. In view of the undertaking given by the petitioner that he would be vacating the shop and also taking into consideration the dilapidated condition of the building, the petitioner is granted time of thirty days commencing from today (25.05.2023) to vacate the shop at No.32-A, Main Road, 7th Cross Street, Thillainagar, Tiruchirappalli – 620 018. It is made clear that the physical possession of the shop for these thirty days is purely at the risk of the petitioner and that neither the respondents 1 and 2 nor the third respondent shall be responsible or liable for any risk or untoward incident that may happen owing to the condition of the building.



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6. With the above directions, the Writ Petition stands disposed of.

There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

25.05.2023

Index:Yes/No

Speaking order/Non-speaking order

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M.S.RAMESH,J.

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To

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Tiruchirapalli-620 001.
2. The Assistant Commissioner,
Ward Zone-5,
Tiruchirapalli City Corporation, Tiruchirappalli.

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