



W.P.(MD)Nos.15330, 15334, 15339, 15341 and 15343 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 05.10.2023

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.(MD)Nos.15330, 15334, 15339, 15341 and 15343 of 2020
and

W.M.P.(MD)Nos.12887, 12888, 12890, 12891 and 12894 of 2020

S.Abdul Rahman
A.Ganesan
G.Balachandran
C.Muthu
S.Palaniyappan

.. Petitioner in W.P.(MD)No.15330/2020
.. Petitioner in W.P.(MD)No.15334/2020
.. Petitioner in W.P.(MD)No.15339/2020
.. Petitioner in W.P.(MD)No.15341/2020
.. Petitioner in W.P.(MD)No.15343/2020

Versus

The Commissioner,
Pudukottai Municipality,
Pudukottai.

.. Respondent in all the W.Ps.

Prayer in W.P.(MD)No.15330 of 2020:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondent from evicting the petitioner in Shop No.17 of Pudukottai Town.

Prayer in W.P.(MD)No.15334 of 2020:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondent from evicting the petitioner in Shop No.109/115129 of Pudukottai Town.



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Prayer in W.P.(MD)No.15339 of 2020:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondent from evicting the petitioner in Shop Nos. 109/115128 and 109/115122 of Pudukottai Town.

Prayer in W.P.(MD)No.15341 of 2020:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondent from evicting the petitioner in Shop No.109/115123 of Pudukottai Town.

Prayer in W.P.(MD)No.15343 of 2020:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondent from evicting the petitioner in Shop No.109/115135 of Pudukottai Town.

For Petitioner in the all the W.Ps. : Mr.P.Ganapathi Subramanian

For Respondent in all the W.Ps. : Mr.P.Mahendran
Standing Counsel

COMMON ORDER

These Writ Petitions have been filed to forbear the Pudukottai Municipality from evicting the petitioners from their respective shops.

2. Heard Mr.P.Ganapathi Subramanian, learned counsel for the petitioners and Mr.P.Mahendarn, learned Standing Counsel for the respondent

Municipality.



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3. These Writ Petitions were filed in the year 2020. The learned counsel for the petitioners submitted that during the interregnum period, some steps were taken by the respondent Municipality to bring the shops for auction and the same was not finalized. In view of the same, the petitioners are continuing to run the shops.

4. The learned Standing Counsel appearing on behalf of the respondent Municipality based on the common counter affidavit filed before this Court, submitted that already steps were taken by the Municipality to bring the shops for auction. Since no one participated, the auction was postponed. The learned Standing Counsel further submitted that steps are being taken by the respondent Municipality to regularize the shops and to augur the revenue of the Municipality. However, the petitioners are continuing to run the business without paying any rents to the Municipality and according to the Municipality, the petitioners can only be treated as encroachers.

5. Taking into consideration the facts and circumstances of the case and the materials available on record, the relief sought for by the petitioners cannot be granted by this Court. It is left open to the petitioners to approach the respondent Municipality seeking for regularization of their possession over the shops and it is left open to the respondent Municipality to take a decision in that regard.



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6. These Writ Petitions are disposed of in the above terms. No costs.

Consequently, connected Miscellaneous Petitions are closed.

NCC : Yes/No
Index : Yes/No
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To

The Commissioner,
Pudukottai Municipality,
Pudukottai.



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N.ANAND VENKATESH, J.

smn2

Common order in
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and 15343 of 2020
and
W.M.P.(MD)Nos.12887, 12888, 12890, 12891
and 12894 of 2020