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W.A.(MD) Nos.1186, 1187, 1188, 1189, 1190,
1191, 1192, 1193, 1194, 1195, 1196, 1197,
1198 & 1199 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.(MD) Nos.1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194,
1195, 1196, 1197, 1198 & 1199 of 2023
and

C.M.P.(MD) Nos.9075, 9077, 9078, 9079, 9082, 9084, 9086, 9088, 9089,
9090, 9091, 9093, 9094 & 9095 of 2023

W.A.(MD) No.1186 of 2023:

Karthigaisamy

... Appellant

-VS-

1.The State of Tamil Nadu
rep.by the Secretary
Municipal Administration and
Water Supply Department
Secretariat, Fort St.George
Chennai-9

2.The Commissioner of Municipal Administration
Ezhilagam, Annex Building
Chepauk, Chennai

3.The Commissioner
Usilampatti Municipality
Usilampatti, Madurai District

... Respondents

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**W.A.(MD) Nos.1186, 1187, 1188, 1189, 1190,
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Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 28.04.2023, passed in W.P.(MD) No.10430 of 2023, on the file of this Court.

For Appellant : Mr.M.Arjun Varman
for M/s.Lajapathi Roy and Associates

For Respondents : Mr.Veera Kathiravan
Additional Advocate General
assisted by Mr.J.K.Jayaseelan
Government Advocate for R1 & R2
Mr.V.Austin for R3

COMMON JUDGMENT

[Judgment of the Court was made by S.S.SUNDAR, J.]

These writ appeals are directed against the common order of the learned Single Judge, dated 28.04.2023, dismissing the writ petitions in W.P. (MD) No.10430 of 2023 etc. batch filed by the appellants herein.

2. The appellants in the writ petitions have challenged the eviction order dated 19.04.2023, passed by the Commissioner, Usilampatti Municipality / third respondent, evicting them from their respective shops in Usilampatti Bus Stand.



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3. The case of the appellants is that they are the existing licencees / lessees of the shops, which were constructed in Usilampatti Bus Stand.

4. The learned Single Judge, by common order dated 28.04.2023, dismissed the writ petitions filed by the appellants holding that the Municipal Commissioner has every power to evict the licencees / lessees even before expiry of the licence / lease period, if required.

5. Since the appellants have been evicted from their respective shops, learned counsel for the appellants submits that the purpose of filing these writ appeals is only to ensure that the appellants should be given preference while allotting new shops in the proposed shopping complex.

6. Learned Additional Advocate General appearing for the respondents 1 & 2 submits that Rule 316 of the Tamil Nadu Urban Local Bodies Rules, 2023, enables the Local Body to give preference when the existing licencees / lessees match the highest bid price and submit necessary documents proving their eligibility for preference as the persons, who were in



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occupation of the shops before demolition or reconstruction of a new bus stand shopping complex. Therefore, the appellants will be given preference while allotting new shops in the proposed shopping complex in terms of Rule 316 of the Tamil Nadu Urban Local Bodies Rules, 2023, provided they should satisfy the requirement of the said provision.

7. Recording the above submissions of the learned Additional Advocate General appearing for the respondents 1 & 2, these writ appeals are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

[S.S.S.R., J.]

[D.B.C., J.]

01.08.2023

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

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To:

- 1.The Secretary,
Municipal Administration and
Water Supply Department,
State of Tamil Nadu,
Secretariat, Fort St.George,
Chennai-9.
- 2.The Commissioner of Municipal Administration,
Ezhilagam, Annex Building,
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