



W.A(MD)Nos.1203 to 1205 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.1203 to 1205 of 2023
and
C.M.P(MD)Nos.9081, 9083 & 9085 of 2023

I.Samuel Raj ... Appellant/Petitioner in W.A(MD)No.1203 of 2023

I.Jacob ... Appellant/Petitioner in W.A(MD)No.1204 of 2023

M.Selva Sekar ... Appellant/Petitioner in W.A(MD)No.1205 of 2023

Vs.

1.The Directorate of Town Panchayats,
Kuralagam,
Chennai District.

2.The District Collector / Inspector of Panchayat,
Collectorate,
Thoothukudi District.



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3.The Chairman

Eral Special Grade Town Panchayat,
Eral,
Thoothukudi District.

4.The Executive Officer

Eral Special Grade Town Panchayat,
Eral,
Thoothukudi District.

5.The Junior Engineer

Tamil Nadu Electricity Board,
Eral,
Thoothukudi District.

... Respondents/Respondents in

W.A(MD)Nos.1203 to 1205 of 2023

COMMON PRAYER : Writ Appeals are filed under Clause 15 of the Letters Patent, against the Common Order, dated 15.06.2023 made in W.P(MD)Nos.14060, 14061 and 14063 of 2023.



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In all Writ Appeals

For Appellants : Mr.M.P.Senthil

For Respondents : Mr.Veera Kathiravan, - for R1 to R4

Additional Advocate General

assisted by Mr.D.Sachikumar,

Additional Government Pleader

Mr.Deenadhayalan - for R5

Standing Counsel

COMMON JUDGMENT

(Judgment of the Court was delivered by **S.S.SUNDAR, J.**)

Heard Mr.M.P.Senthil, learned counsel for the appellants, Mr.Veera Kathiravan, learned Additional Advocate General assisted by Mr.D.Sachikumar, learned Additional Government Pleader appearing for respondents 1 to 4 and Mr.Deenadhayalan, learned Standing Counsel appearing for the fifth respondent.



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2. All these Writ Appeals are directed against the Common Order, dated 15.06.2023 in W.P(MD)Nos.14060, 14061 and 14063 of 2023 passed by the learned Single Judge dismissing the Writ Petitions filed by the appellants.

3. All these appellants are the writ petitioners in the respective Writ Petitions which were filed by the appellants challenging the remainder notice and to direct the respondents 3 and 4 to consider the representation of the petitioners and pass orders not to interfere with the petitioners' lease hold right in respect of theirs shops in Eral Bus Stand.

4. The learned Single Judge, after recording the facts, held that the Writ Petitioners who are paying ground rent for the premises which was in their occupation have no vested rights. Even though the Writ Petitioners are in enjoyment for the past two decades, their possession may not entitle them to claim permanent tenancy.



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5. The Writ Petitions filed by the appellants were dismissed along with several other petitions filed for similar relief. The Appellants have challenged the order of the learned Single Judge in the Writ Appeals mainly on the ground that they are in possession for several decades and that their livelihood is affected.

6. This Court is unable to find any merits in the submissions, particularly, having regard to the fact that the petitioners, are just in permissive occupation. They cannot claim permanent tenancy on account of their long enjoyment, especially, when the claim is quite contrary to the license granted to the appellants/petitioners and the serious prejudice that is likely to be caused to the local body who want a new construction to augment their income taking account of the public interest.

7. The learned counsel, thereafter, requested this Court to grant time. This Court was inclined to grant time on condition that the appellants should give an undertaking to vacate the shop premises on or before 31.08.2023.



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8. Accordingly, the appellants have produced before this Court an undertaking affidavit from each one of them, undertaking to hand over the possession to the fourth respondent on or before 31.08.2023.

9. Recording the undertaking, these Writ Appeals are disposed of, however, with a direction to the respondents not to interfere with the possession of the appellants till 31.08.2023. In case, the appellants failed to vacate the shop premises as per the undertaking, they are liable to be prosecuted for Contempt and the respondents may also evict them without further notice.

10. Though a request is made to consider the appellants' request to allot a shop in the new complex, the learned Additional Advocate General, on instructions, submitted that the new complex is not for shops but it is for commercial establishments and office.

11. It is open to the appellants to make a representation and if such representation is made, the same shall be considered by the



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respondents, if they take a decision to lease out the new buildings for shops.

12. With the above observations, 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

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

RM



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