



W.P(MD)Nos.927,944 to 946 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.06.2023

CORAM :

THE HON`BLE MR.JUSTICE B.PUGALENDHI

W.P(MD) Nos.927, 944 to 946 of 2016 and
WMP(MD) No.729 to 736 of 2016, 16461 &16462 of 2017

W.P(MD) Nos. 927 of 2016:-

Ganesan

Petitioner

Vs

1.The Municipality,
Pudukottai,
Represented by its Commissioner.

2.Jeeva Subramanian,
Commissioner,
Pudukottai Municipality,
Pudukottai Town and District.

3.Valliammai
4.Subramanian @ A.S.T.Mani
5.Lakshmanan

Respondents

W.P(MD) Nos. 944 of 2016:-

Venkatesan

Petitioner

Vs



W.P(MD)Nos.927,944 to 946 of 2016

1.The Municipality,
Pudukottai,
Represented by its Commissioner.

2.Valliammai
3.Subramanian @ A.S.T.Mani
4.Lakshmanan

Respondents

W.P(MD) Nos. 945 of 2016:-

Karuppiah

Petitioner

Vs

1.The Municipality,
Pudukottai,
Represented by its Commissioner.

2.Valliammai
3.Subramanian @ A.S.T.Mani
4.Lakshmanan

Respondents

W.P(MD) Nos. 946 of 2016:-

Rajkumar @ Ramachandran

Petitioner

Vs

1.The Municipality,
Pudukottai,
Represented by its Commissioner.

2.Valliammai
3.Subramanian @ A.S.T.Mani
4.Lakshmanan

Respondents



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PRAYER in W.P(MD) No. 927 of 2016: Writ Petition is filed under Article 226 of the Constitution of India, directing the respondents to pay a sum of Rs.7 Lakhs as compensation to the petitioner for unlawful deprivation of his property rights in respect of the Shop in Shop No.331 in T.S.No.3114 at Nellumandi Street, Pudukottai Town and District.

COMMON PRAYER in W.P(MD) No. 944 to 946 of 2016: Writ Petitions are filed under Article 226 of the Constitution of India, calling for the records of the first respondent in his proceedings in Na.Ka.No.29927/2014/F2 dated 20.12.2014 and quash the same as of no legal consequence and consequently forbear the first respondent from demolishing any portion of the building and premises standing in T.S.No.3114 at Nellumandi Street, Pudukottai Town.

For Petitioners : No appearance

COMMON ORDER

The petitioners are the tenants of Pudukottai Municipality. Pudukkottai Municipality has issued a notice in Na.Ka.No.29927/2014/F2 on 20.12.2014, under Sections 218, 313,



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339, 340 and 344 of the Tamil Nadu District Municipalities Act, 1920 and have also demolished the shops in occupation of the petitioners on 05.01.2016. As against the notice issued by the respondent Municipality, dated 20.12.2014 and the conduct of the respondent in demolishing the petitioners' shops, the petitioners have approached this Court in the year 2016, for a Mandamus, directing the respondents to pay a sum of Rs.7,00,000/- as compensation to the petitioners for unlawful conduct of depriving the petitioners from using the Shops occupied by them.

2.Though these writ petitions are filed in the year 2016, these writ petitions were not even admitted. When these writ petitions were listed for admission on 18.01.2016, it was reported that the same issue was pending before the Division Bench of this Court in WA(MD) Nos.114 to 117 of 2016. Therefore, the Registry was directed to list these writ petitions along with the connected matters. When these writ petitions are listed on 14.02.2023 before this Court, it was reported that the petitioners' counsel died.



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Therefore, this Court by order dated 14.02.2023, directed the Registry to issue a notice to the petitioners. Notice sent by the Registry was also returned with an endorsement that "address can not be located". There is no representation for the petitioners and address of the petitioners also cannot be located.

3.The grievance of the petitioners is that the shops, which are occupied by them have been demolished by the respondent Municipality and therefore, according to the petitioners, necessary compensation has to be awarded to them. The fact remains that the respondent Municipality has issued a notice to the petitioners, under Sections 218, 313, 339, 340 and 344 of the Tamil Nadu District Municipalities Act, 1920 on 20.12.2014 stating the dilapidated condition of the building, and also requested these petitioners to vacate the building. However, the petitioners have neither challenged the order nor responded to the notice for nearly two years. Therefore, the shops were demolished on 05.01.2016.



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4.In view of the above, nothing survives in these writ petitions. Accordingly, these writ petitions are dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

12.06.2023

NCC : Yes / No.
Index : Yes / No.
Internet : Yes / No.
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To

The Commissioner
Municipality Pudukottai,
Pudukottai.



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B.PUGALENDHI, J

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Common Order made in
W.P(MD) Nos.927, 944 to 946 of 2016 and
WMP(MD) No.729 to 736 of 2016, 16461 &16462 of 2017

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