



W.P(MD)No.29053 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 11.12.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.29053 of 2023

and

W.M.P(MD)Nos.25099 & 25100 of 2023

1.A.Mohamed Hanifa

2.Ganeshkumar

3.J.Akbar Ali

4.A.Asan

5.C.Mookammal

6.G.Vijayalakshmi

7.A.Minnal Mydeen

8.P.Chandrasekar

... Petitioners

Vs.

1.The State represented by
The Secretary,
Municipal Administration and
Water Supply Department,
Secretariat, St.George Fort,
Chennai – 600 009.



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2.The Director,
O/o. The Director of Town and
Country Planning,
No.807, Anna Salai,
Chennai – 600 002.

3.The District Collector,
Collectorate Office,
Madurai,
Madurai District.

4.The Madurai Corporation,
Represented by its Commissioner,
Corporation Building,
Melur Main Road,
Out Post, Naganakulam,
Madurai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the entire records relating to the impugned orders in Ye4/13496/2019 dated 20.09.2023 passed by the fourth respondent in respect of 1st to 8th petitioners' shop Nos.(1).115/6380051, (2).115/638001, (3).115/6380059, (4).115/6380061, (5).115/6380011, (6).115/6380012, (7).115/6380062, (8).115/6380064 respectively and to quash the same as illegal and consequently forbearing the respondents from evicting the petitioners from their respective leased shops bearing Nos.(1).115/6380051, (2).115/638001, (3).115/6380059, (4).115/6380061, (5).115/6380011, (6).115/6380012, (7).115/6380062, (8).115/6380064 situated at Subramaniyapuram Market, Madurai without providing alternative temporary shops with electricity and water connection in the nearby



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vicinity of Subramaniyapuram Market till the new market building is constructed and to direct the respondents to allot shops to the petitioners after completion of the construction.

For Petitioners : Mr.V.Santhakumaresan

For Respondents : Mr.S.RA.Ramachandran
Additional Government Pleader
for R.1 to R.3

Mr.S.Vinayak for R.4

ORDER

Heard both sides.

2.The petitioners are occupants of shops belonging to the respondent Corporation. They are eking out their livelihood in Subramaniyapuram Market. Corporation now proposes to demolish the same and put up a new building. The petitioners face the threat of eviction. The petitioners can come to this Court in these circumstances.

3.This Court will not be justified in restraining the Corporation from carrying out demolition because it intends to put up a new market



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complex in the place of existing one. The existing one has become old and dilapidated. It is also stated by the learned Standing Counsel that the purpose of construction is to augment the revenue. The petitioners can very well be allowed to continue to be in occupation of the shops till a week prior to the commencement of the demolition work. The petitioners can be suitably informed. There is no need to give further notice. Only an intimation is to be served. But once the petitioners are evicted, within exactly seven (7) days the demolition activities should commence. The Corporation cannot sit over the matter thereafter. I also come across cases where after demolition of existing building, the Corporation has not put up any new structure. Such thing should not be repeated in the present case. Once the petitioners are evicted, it is the duty of the Corporation not only demolition the structure but also commence the construction activities. The learned Standing Counsel appearing for the Corporation on instructions from the Corporation Commissioner gives an undertaking that this direction will be strictly adhere to.

4.The petitioner's livelihood will be seriously affected once they are thrown out. Therefore, they are given representation for allotting



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them alternative sites. The petitioners may not have any right as such.

But then the Corporation has the duty to consider the petitioners request for making alternative arrangement. The Corporation therefore directed to consider the petitioners request and pass an appropriate order in this regard.

5.Once the building is reconstructed, the right of the petitioners to become the licensee once again will depend upon the relevant statutory rules. This Court will not be justified in issue any direction whatsoever in that regard. The statutory scheme will take its own course.

6.With these observations and directions, this writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

11.12.2023

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