



W.P(MD)No.29416 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.12.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.29416 of 2023

and

W.M.P(MD) No.25373 of 2023

M.Karthikeyan

... Petitioner

Vs.

1 The District Collector

Karur,

Karur District.

2.The Commissioner

Karur Corporation,

Karur,

Karur District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the respondents to unlock and remove the seal of the petitioner's shop situated in Door No.832A, Vasanth Watch, Jawahar Bazar, Karur, which was locked and sealed illegally by the second respondent.

For Petitioner : Mr.M.Mohamed Rafi

For Respondents : Mr.K.Balasubramani

Special Government Pleader

ORDER

Heard the learned counsel appearing on either side

2. The petitioner was granted lease of the petition mentioned site by the local body more than 40 years ago. The petitioner had put up construction on his own. The petitioner is running a Watch Sales and Service shop. It is seen that the petition mentioned site is virtually on a street. In order to ease traffic congestion, the local body passed resolution for resuming possession.



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3. The move of the local body cannot be faulted. At the same time, the petitioner cannot be thrown out over night. Even according to the respondents, the petitioner has been in possession of the site for almost four decades. It is only just and proper, the petitioner is given reasonable breathing time. If the petitioner's shop has been sealed, the same shall be unsealed today itself. For another person who had been running the shop for almost 20 years, i had given time to vacate till February, 2023. Since the petitioner had been carrying on business for almost 40 years, he is entitled to little more leverage and indulgence. The petitioner is permitted to carry on his business in the petition mentioned site till the end of March, 2024. The petitioner need not pay any rent for the remaining period. The respondents can deduct the monthly rent from the security deposit of the petitioner. Before the end of March, 2024, the balance amount shall be credited to the petitioner's bank account. The local body can take possession on 01.04.2024 without further notice. The petitioner through his counsel gives an undertaking that he will not entangle the local body in any further litigation and then he will exit by the end of March, 2024. The electricity service connection will also be restored to the petitioner.



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4. The writ petition is disposed of, accordingly. No costs.

Consequently, connected miscellaneous petition is closed.

13.12.2023

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

RM

Note : Issue order copy on 14.12.2023

To:

1 The District Collector
Karur,
Karur District.

2.The Commissioner
Karur Corporation,
Karur,
Karur District.



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G.R.SWAMINATHAN, J.

RM

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