



W.P. Nos.21777, 21780, 21782, and 21785 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:31.07.2024

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.Nos.21777, 21780, 21782 and 21785 of 2024

and

WMP Nos.23757, 23761, 23765 and 23769 of 2024

S.Gurusami,

..Petitioner
(in W.P. No.21777 of 2024)

T. Nagaraj

..Petitioner
(in W.P. No.21780 of 2024)

D. Mani

..Petitioner
(in W.P. No.21782 of 2024)

D. Manikandan

..Petitioner
(in W.P. No.21785 of 2024)

..Vs..

The Commissioner,
Attur Municipality,
Attur, Salem District.

..Respondents
(in All W.Ps.)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India
seeking to issue a Writ of Certiorarified Mandamus calling for the records



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relating to the impugned notice dated 30.01.2024 and 02.02.2024 vide Na.Ka.No.1557/2023/A4 passed by the respondent and quash the same as illegal and consequently direct respondent to provide an alternate place to the petitioner and pass orders accordingly.

For petitioners : Mr. A. Rajakumar
For Respondent : Mr.L.P. Maurya
(Standing Counsel)

(For All Writ Petitions)

COMMON ORDER

These Writ Petitions have been filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned notice dated 30.01.2024 and 02.02.2024 vide Na.Ka.No.1557/2023/A4 passed by the respondent and quash the same as illegal and consequently direct respondent to provide an alternate place to the petitioner and pass orders accordingly.



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2. Since the issues involved in all the writ petitions are one and the same, the Writ petitions are taken up together for passing common orders.

3. The learned counsel for the petitioners submitted that the petitioners are running a fruit shop on a vacant place which belongs to the respondent herein and the shop is admittedly vacant shop located on the eastern side of the shops and buildings belongs to the Attur Municipality and the petitioners' shop were duly allotted vide shop Nos.21, 45, 46, 47 and 48 respectively by the respondent herein. There are various shops which belongs to the Attur municipality located in and around the municipal limits of Attur and the respondent herein had letting out those shops by way of lease.

4. It has been further submitted by the learned counsel for the petitioners that the petitioners are continuing in the said shop and they have paid all lease premiums regularly to the authority. Accordingly, their lease



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was also periodically extended from the date of allotment. This business alone is the source of income for the petitioner's entire family. Whereas the respondent issued impugned notice dated 30.01.2024 and 02.02.2024 in Na.Ka.No.1557/2023/A4 stating that the municipality had taken the decision for renovating and building new fruit shops in the Attur municipality and the appropriate approval and permission was already granted for construction of new fruit shops under Kalaingar Municipal Development Scheme 2023-2024 (KNMT). Since the municipal authorities had decided to start the renovation work, the respondent herein had requested the petitioners to vacate and hand over the premises within 10 days from the date of receipt of the notice.

5. The learned counsel for the petitioners further submitted that soon after the receipt of the notice, the petitioners and other vendors had directly met the respondent and requested him to not to initiate the scheme till the term of the lease got expired, within a short span of time the respondent stopped the implementation of project in view of the moral code of conduct which came into existence due to the announcement of parliamentary elections. After results were declared, the authorities are now



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trying to vacate the petitioners herein and the other vendors by citing the impugned notice stating that the above said project is going to be implemented.

6. It has been further submitted by the learned counsel for the petitioners that being the holder of lease, the petitioners are entitled to use the premises until the expiry of lease. Further there are about 100 shops located in and around the municipal limits of Attur and the petitioners are daily vendor and this alone is their livelihood. They have also obtained bank loan for the purpose of developing the business and their entire family depends on the income derived from the said fruit shops. While being so, the authority asking them to vacate the premises even before the expiry of lease period is not sustainable. Apart from that they have also promptly paid all the lease premium/rent along with electricity charges without any default. When the authorities are trying to dislocate the petitioners and the other vendors, at least the authorities are bound to provide an alternate space for the purpose of carrying on the business. In spite of the repeated request the respondent is trying to implement the project without giving any reasonable opportunity. Since the respondent is trying to implement the



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project even before the expiry of lease, the petitioners with no other alternative efficacious remedy except to approach this Hon'ble Court under Article 226 of the Constitution of India, challenging the impugned order dated 30.01.2024 and 02.02.2024 vide Na.Ka.No.1557/2023/A4 passed by the respondent, have filed the present Writ petitions seeking for the relief therein.

7. The learned standing Counsel appearing for the respondent submitted that there is no any alternative place to be allotted to the petitioners. If there will be any alternative place at Attur Municipality for running their shop, the respondent would allot the shops to the petitioners.

8. Heard both sides and perused the materials available on record.

9. Having considered the facts and circumstances of the case and submissions made by both side counsel, the petitioner is at liberty to approach the concerned authorities by way of representations seeking for alternative accommodation to run their shops if any. The



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respondent/authority concerned is directed to consider their representations and pass orders accordingly in the manner known to law as expeditiously as possible, preferably, within a period of four weeks from the date of receipt of copy of this order.

10.In view of the above direction, the Writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes/No
Internet: Yes/No
Lbm

To:

The Commissioner,
Attur Municipality,
Attur, Salem District.



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V.BHAVANI SUBBAROYAN, J.,

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