



WEB COPY



W.P.No.25722 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.25722 of 2024

and

W.M.P.Nos.28107 and 28108 of 2024

1. P.K.Senthilvel
2. G.Gunasekaran
3. G.Rajathilagam
4. A.S.Kittu Seran

... Petitioners

Vs

1. The Secretary,
Municipal Administration Department,
Fort St.George, Chennai -600009.
2. The District Collector,
Collectors Officer, Cuddalore District,
Cuddalore.
3. The Commissioner Of Municipal Administration,
M.R.C.Nagar,
Raja Annamalai Puram, Chennai -600028.
4. The Commissioner,
Chidambaram Municipality,
Municipal Office,
Kacherry Road, Chidambaram -608 001.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, calling for the records in connection with the impugned order passed in Na.Ka.No.316/2023/E1 dated 01.08.2024



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by the fourth respondent, namely, the Commissioner, Chidambaram Municipality, Chidambaram, quash the same.

For Petitioners : Mr.J.Ram
For R1 to R4 : Mr.N.Naveen Kumar
Government Advocate

ORDER

This writ petition has been filed challenging the notice dated 01.08.2024, thereby directed the petitioners to vacate and handover the vacant possession of their respective shops within a period of 30 days.

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

3. The petitioners are possessing their respective shops in the shopping complex constructed by the fourth respondent from the year 2018. The petitioners had participated in the auction held in the year 2018 and they have been allotted with their respective shops to run their respective business. Accordingly, the petitioners are regularly paying the rents and there is no arrears of rent so far. The petitioners also had deposited their security deposits by themselves. There are totally 14 shops in the said shopping complex. Now, the fourth respondent had constructed a new vegetable and fruit market adjacent to the said shopping complex. They had completed the construction of



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market and issued notice to the petitioners to vacate and handover vacant possession of their respective shops, on the ground that it is obstructing the ingress and egress of the vegetable and fruit market.

4. The learned counsel for the petitioners would submit that all of a sudden they were issued with notices without giving an opportunity of hearing. After receipt of the notices, the petitioners submitted their detailed representation and it is pending on the file of the fourth respondent.

5. A perusal of the impugned notice revealed that the petitioner was not given prior notice and all of a sudden, they were issued notice to vacate and handover their respective shops.

6. In view of the above, the impugned order cannot be sustained and is liable to be quashed, on the ground that it is a clear violation of principles of natural justice.

7. Accordingly, the impugned order passed by the fourth respondent in Na.Ka.No.316/2023/E1 dated 01.08.2024, is hereby quashed. The order impugned in this writ petition can be treated as show cause notice and the



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representation submitted by the petitioner can be treated as explanation for the show cause notice. The fourth respondent is directed to conduct enquiry and after giving an opportunity of hearing to the respective shop owners, pass orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

8. Accordingly, this writ petition stands allowed. Consequently, connected Miscellaneous petitions are closed. No costs.

02.09.2024
($\frac{1}{2}$)

Internet: Yes
Index : Yes/No
Neutral Citation : Yes/No
Speaking/Non Speaking order
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To

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G.K.ILANTHIRAIYAN. J.

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