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W.P.Nos.26358 of 2024 and etc batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2024

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

W.P.Nos.26358, 26362, 26365, 26368 & 26371 of 2024

and

W.M.P.Nos. 28807, 28813, 28814, 28820

J.Mohammed Rabik		Petitioner in W.P.No.26358 of 2024
T.Natarajan		Petitioner in W.P.No.26362 of 2024
K.Rajesh		Petitioner in W.P.No.26365 of 2024
K.Sivakumar		Petitioner in W.P.No.26368 of 2024
K.Indharani		Petitioner in W.P.No.26371 of 2024

Vs

The Commissioner, Chidambaram Municipality, Chidambaram – 608 001.		Respondents in all W.Ps
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Common Prayer:- Writ Petitions filed under Article 226 of Constitution of India for the issuance of Writ of Certiorari, calling for the records comprised in Na.Ka.No.316/2023/E1, dated 07.08.2024 on the file of the



W.P.Nos.26358 of 2024 and etc batch

respondent quash the same.

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For Petitioner (in all W.Ps)	: Mr.M.R.Thangavel for Mr.P.Muthukumarasamy
For Respondent (in all W.Ps)	: Mr.P.Srinivas Standing Counsel

COMMON ORDER

These Writ Petitions have been filed challenging the notice dated 07.08.2024, thereby directing the petitioner to vacate their respective vegetable shops within a period of 30 days and handover the vacant possession to the respondent.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioners were allotted their respective shops in the market premises situated at Mel Veedhi Vegetable Market. After the completion of their lease period on 30.07.2024, the lease period was extended till 31.03.2027 with a 15% increase in rent for their respective shops. While being so, all of a sudden, the respondent served with a notice dated 07.08.2024 instructing the petitioners to vacate their



W.P.Nos.26358 of 2024 and etc batch

respective shops and hand over vacant possession.

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4. The learned counsel appearing for the petitioners would submit that other vegetable vendors have not been served with any notice to vacate and hand over vacant possession. Pursuant to the lease extension, the petitioners obtained loans from third parties and made investments to run their shops in the premises. However, the respondent has directed the petitioners to vacate and hand over vacant possession. Further, apart from handing over their shops, there are other vegetable vendors operating their shops without proper license.

5. The learned Standing Counsel, on instructions, produced records showing that the petitioners shops were located in front of the market, which is now proposed to be demolished for the construction of a commercial complex. Further, a new vegetable market has already been constructed at North Main Road, Chidambaram and all the vegetable vendors are being relocated to the newly constructed vegetable market at North Main Road, Chidambaram. In fact, the petitioners are very much selected the newly constructed vegetable market. He further submitted



W.P.Nos.26358 of 2024 and etc batch

that the newly constructed market will be auctioned, in which, the petitioners can very well participate in the auction.

6. A perusal of the photographs also reveals that the petitioners were allotted their respective shops, which are now in dilapidated conditions. That apart, their shops located in front of the market where the respondent now proposed to construct a commercial complex. Though the petitioners lease period was extended, now the respondent constructed new vegetable market and the petitioners will be participated in newly constructed market.

7. In view of the above, this Court finds no infirmity or illegality in the notice dated 07.08.2024 issued by the respondent. Thus, the writ petitions lack merit and are liable to be dismissed. However, the petitioners are at liberty to select their respective shops in the newly constructed market situated at North Main Road, Chidambaram. If the petitioners participate in the auction, the respondent is directed to allot shops in accordance with law.

8. In the result, this writ petition stands dismissed.



W.P.Nos.26358 of 2024 and etc batch

Consequently, connected miscellaneous petitions are closed. No costs.

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21.10.2024

Internet : Yes
Index : Yes/No
Speaking order/Non-speaking order
Lpp

To

The Commissioner,
Chidambaram Municipality,
Chidambaram – 608 001.



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W.P.Nos.26358 of 2024 and etc batch

G.K.ILANTHIRAIYAN, J.

Lpp

W.P.Nos.26358, 26362, 26365,
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