



W.P.Nos.29146 & 29148 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.09.2024

CORAM:

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

W.P.Nos.29146 & 29148 of 2024 and
WMP.Nos.31823, 31824, 31826 & 31828 of 2024

WP.No.29146 of 2024

A.Noufal

... Petitioner

Vs.

The Commissioner,
Punjai Puliampatti Municipality,
Punjai Puliampatti,
Erode District 638 459

... Respondent

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a writ of certiorarified mandamus calling for the records relating to the impugned order of the respondent in Na.Ka.1135/2015/A1 dated 22.08.2024 and quash the same as illegal and arbitrary and consequently direct the respondent herein to remove the lock and seal put in Shop No.6 in M.G.R. Complex, Punjai Puliampatti, Sathyamangalam Taluk, Erode District.

For Petitioner : Mr.Balasubramanian,
Senior Counsel
for Mr.Rohan Atiq M



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W.P.Nos.29146 & 29148 of 2024

For Respondent : Mr.B.Anand,
Standing Counsel

WP.No.29148 of 2024

A.Noufal

... Petitioner

Vs.

The Commissioner,
Punjai Puliampatti Municipality,
Punjai Puliampatti,
Erode District 638 459

... Respondent

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a writ of certiorarified mandamus calling for the records relating to the impugned order of the respondent in Na.Ka.1135/2015/A1 dated 22.08.2024 and quash the same as illegal and arbitrary and consequently direct the respondent herein to remove the lock and seal put in Shop No.7 in M.G.R. Complex, Punjai Puliampatti, Sathyamangalam Taluk, Erode District.

For Petitioner : Mr.Balasubramanian,
Senior Counsel
for Mr.Rohan Atiq M

For Respondent : Mr.B.Anand,
Standing Counsel

COMMON ORDER

Both the writ petitions have been filed challenging the order of the respondent in Na.Ka.1135/2015/A1 dated 22.08.2024 and to direct



W.P.Nos.29146 & 29148 of 2024

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the respondent to remove the lock and seal put in Shop No.6 & 7 in M.G.R. Complex, Punjai Puliyampatti, Sathyamangalam Taluk, Erode District.

2. The petitioner in both the writ petitions are one and the same. The Respondent Municipality owns a shopping complex in the name of M.G.R.Complex, comprising of 18 shops. In the said complex, the petitioner was leased out shop Nos.6 & 7, comprising a total extent of 352 Sq.ft, for a monthly rent of Rs.15,110/- & Rs.15220/- respectively vide lease order dated 25/02/2021 in Na.Ka. No.1135/2015/A1, for a period of 3 years from 01/03/2024 to 29/02/2024, for running a mobile phone store in the name of "Golden Mobiles". On taking of lease of the above said shops, the petitioner had paid huge sum towards security deposit to the Respondent and further he had also incurred an expenditure of Rs. 14,50,000/- towards interior work as a vacant space was provided by the Respondent. On the expiry of the lease period, the Respondent had renewed the lease agreement for a further period of 3 years from 01/03/2024 to 28/02/2027. Further, the petitioner was directed



W.P.Nos.29146 & 29148 of 2024

to pay a sum of Rs.1,000/- towards renewal charges and issued a receipt dated 10/04/2024 and also directed to pay a sum of Rs.59,150/- towards renewal security deposit and had also issued a receipt for the same.

2.1 Thereafter, the respondent had been receiving rents of Rs.17,960/- & Rs.17,830/- which is 15% hike from the initial rent. The Respondent had not given a copy of the renewed lease agreement, in spite of receiving the renewal charges and the rents subsequent to renewal. When this being the scenario, to the petitioner's shock and surprise, the Respondent had issued an notice dated 24/05/2024, directing to vacate and hand over the possession of the leased shops to the Respondent, citing that the shopping complex is in a dilapidated stage and therefore the same is to be demolished and rebuilt. According to the petitioner, the shops are not in a dilapidated stage. The petitioner had not challenged the said notice, as the Respondent had assured to provide alternate shops to the existing lease holders.

3. *Mr.Balasubramanian*, the learned Senior Counsel appearing



W.P.Nos.29146 & 29148 of 2024

for the petitioner submitted that few of the other lease holders with respect to the adjacent shops have also preferred Writ Petitions in WP.Nos.15942, 15973, 16067 & 16277 of 2024 before this Court and in the said Writ Petitions, this Court based on the undertaking of the Respondent to provide alternate shops had disposed the Writ Petitions. Therefore, based on the assurance of the Respondent and also the order of this Court in WP.Nos.15973, 16067 & 16277 of 2024, the petitioner had preferred to seek for alternate shops without challenging the eviction notice dated 24.05.2024. When this being the case, to the petitioner's shock and surprise, the Respondent without providing alternate shops, had issued the impugned order dated 22/08/2024 in Na.Ka.No.1135/2015/A1, directing to vacate and handover the possession of the leased shops. Subsequently, the petitioner had approached the Respondent seeking for alternate shops and time to set up the alternate shops, to enable to vacate the leased shops. In this scenario, the Respondent on 26/09/2024 at about 4.15 P.M. had forcefully locked and sealed the leased shops with goods inside.



W.P.Nos.29146 & 29148 of 2024

WEB COPY

3.1 He further submitted that the lessee of the adjacent shop No.8 has filed a Writ Appeal in WA.No.2664 of 2024 against the Order of the learned Single Judge in WP.Nos.15942, 15973, 16067 & 16277 of 2024, and in the said Writ Appeal, this Court has granted interim stay of operation of the order in WP.Nos.15942, 15973, 16067 & 16277 of 2024. However, the Respondent has locked and sealed the leased shops.

3.2 However, the learned Senior Counsel appearing for the petitioner submitted that though the petitioner has challenged the order of the respondent dated 22.08.2024, he undertakes to vacate and hand over the possession of the respective shops on or before 18.11.2024 and also requests to remove the lock and seal put in the above said shops to run the shops till 18.11.2024.

4. In view of the above undertaking and the order of stay granted in the Writ Appeal in WA.No.2664 of 2024, the petitioner is directed to vacate and hand over the possession of Shop Nos.6 & 7 in M.G.R. Complex, Punjai Puliyampatti, Sathyamangalam Taluk, Erode



W.P.Nos.29146 & 29148 of 2024

District on or before 18.11.2024, failing which the respondent is at liberty to proceed further as per the impugned notice dated 22.08.2024 on condition that the petitioner may be allotted alternate shops in Thiru.Vee.Kaa Thindal Shopping Complex and Bus Stand Shopping Complex. Accordingly, the respondent is directed to desal the petitioner's respective shops forthwith to run the same till 18.11.2024.

5. With the above directions, both the Writ Petitions are disposed of. Consequently, connected miscellaneous petitions are closed. There shall be no orders as to costs.

27.09.2024

Neutral citation: Yes/No

Index: Yes/No

Speaking/Non-speaking order

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Note: Issue order copy on 27.09.2024



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W.P.Nos.29146 & 29148 of 2024

G.K.ILANTHIRAIYAN, J.

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To
The Commissioner,
Punjai Puliampatti Municipality,
Punjai Puliampatti,
Erode District 638 459

W.P.Nos.29146 & 29148 of 2024

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