



WEB COPY

W.P.No.29951 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.29951 of 2023

and

W.M.P.Nos.29564 & 29565 of 2023

- 1.Desam Magalir Self-help Group,
Represented by its President,
S.Tamilselvi,
Wife of Mr.Selvaraj,
CVM Nagar, Sirukaveripakkam,
Kancheepuram.
- 2.Mahilampoo Magalir Self-help Group,
Represented by its President, A.Rekha,
Wife of Mr.Anbu,
No.66/12, Dr.Ambedhkar Nagar,
Railway Road, Kancheepuram.
- 3.Sree Sai Ganapathi Magalir Self-help Group,
Represented by its President P.Amsa,
Wife of Mr.Prasath,
No.6A, Ammainkara Street,
Kancheepuram.

... Petitioners

Vs.

- 1.The Government of Tamil Nadu,
Represented by its Secretary,
Social Welfare & Women Empowerment Department,
Fort St. George, Chennai – 600 009.



2.The Managing Director / CEO,
Tamil Nadu Corporation for Development of Women Limited,
Annai Theresa Mahalir Valagam,
1st Floor, Valluvarkottam High Road,
Nungambakkam, Chennai – 600 034.

3.Tamil Nadu State Rural Livelihood Mission,
Annai Therasa Mahalir Valagam,
1st Floor, Valluvarkottam High Road,
Nungambakkam, Chennai – 600 034.

4.The Social Welfare Commissioner/Director,
No.1, Panagal Maligai Building 2nd Floor,
Near Kalaingar Arch, Jeenis Road, Saidapet,
Chennai – 15.

5.The Collector,
First Floor, Collectorate,
Kancheepuram District,
Kancheepuram – 631 501.

6.The Project Director,
Mahalir Thittam / TNSRLM,
Old DRDA Building Collectorate Campus,
Kancheepuram – 631 502.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the entire records relating to passing of the impugned proceedings in Na.Ka.No.181/2017/C1 dated 26.09.2023 of the 6th respondent and quash the same as illegal and unsustainable and consequently direct the Respondents not to evict the petitioners from their respective shops without the due process of law.



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For Petitioners : Mr.H.Shabeer Ahmed
For Respondents : Mr.N.Naveen Kumar
Government Advocate

ORDER

The writ petitioners herein earlier filed W.P.No.1390 of 2023 by way of Public Interest Litigation (PIL). During the pendency of the said writ petition, the present writ petition is filed seeking the similar relief more specifically for the similar relief by challenging the notice for eviction dated 26.09.2023.

2. The learned Government Advocate appearing on behalf of the respondents would submit that the commercial complex is in dilapidated condition and the Department has taken a policy decision to renovate the building and to re-allot the building by following the procedures as contemplated.

3. It is made clear by the respondents that the case of the petitioners is also will be considered by making re-allotment after renovating the building.



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When the building is in dilapidated condition, the petitioners cannot claim that they should be permitted to keep the said premises. More so, the Department has taken a policy decision to renovate the building, which cannot be questioned by the petitioners in their capacity as an allottee.

4. Hence, the writ petitioners are bound to vacate the premises and approach the respondents for re-allotment and after completing the renovation works, the cases of the petitioners are also to be considered along with the other applications filed on merits and in accordance with law.

5. With these observations, this Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

23.04.2024
(1/2)

Jeni
Index : Yes
Neutral Citation : Yes
Speaking order / Non-speaking order



To

- 1.The Secretary,
The Government of Tamil Nadu,
Social Welfare & Women Empowerment Department,
Fort St. George, Chennai – 600 009.
- 2.The Managing Director / CEO,
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