



W.P.(MD)Nos.3140 to 3147 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.02.2024

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)Nos.3140 to 3147 of 2024

and

W.M.P(MD)Nos.3102, 3103, 3115, 3106, 3110, 3105, 3109 & 3116 of 2024

W.P(MD)No.3140 of 2024

U.Subramanian

... Petitioner

Vs

The Commissioner,
Sankarankovil Municipality,
Sankarankovil,
Tenkasi District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent Municipality to provide a temporary place to the petitioner to run the shop until the new building is constructed and to grant reasonable time to vacate the shop situated in Shop No.63A/3, “Gandhi Ninaivu Nootrandu Nalangadi”, Near Perarignar Anna Bus Stand, Sankarankovil, Tenkasi District by considering the petitioner's representation, dated 23.01.2024 within a time frame fixed by this Court.



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For Petitioner : Mr.P.Santhana Krishnan

For Respondent : M/s.H.Jasima Yasmin
for M/s.Ajmal Associates

COMMON ORDER

The petitioners have prayed for issuance of a Writ of Mandamus, directing the respondent Municipality to provide a temporary place to the petitioners to run the shop until the new building is constructed and to grant reasonable time to vacate the shops situated in “Gandhi Ninaivu Nootrandu Nalangadi”, Near Perarignar Anna Bus Stand, Sankarankovil, Tenkasi District by considering the petitioners representations within a time frame fixed by this Court.

2. Heard the learned counsel appearing for the petitioners and the learned counsel appearing for the respondent and perused the materials available on record.

3. According to the petitioners, they are running a shops in “Gandhi Ninaivu Nootrandu Nalangadi”, near Perarignar Anna Bus Stand, Sankarankovil, Tenkasi District. The said complex is owned by the respondent Municipality. In these circumstances, the respondent decided to demolish and reconstruct the



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Perarignar Anna Bus stand and the buildings, which were attached with the said

bus stand including the above mentioned shop.

4. In these circumstances, one Krishnavel and some other merchants of the “Gandhi Ninaivu Nootrandu Nalangadi” filed writ petitions in W.P(MD)Nos.15877 and 17127 of 2022 before this Court against the demolition and reconstruction of the said bus stand and complex, in which, this Court was pleased to pass a common order on 13.12.2023 and a specific observation was made in the fourth paragraph of the said order and the same is as follows:-

“4.I therefore direct the local body to identify a temporary place from where the licensees of the old market can carry on their business. This shall be done by the body within a period of two weeks from the date of receipt of a copy of this order. The petitioners and other licensees will have to move to the newly identified place with effect from 01.01.2024. The local body will complete the work of constructing the new bus stand and new market within an outer time limit of six months from today I.e., 13.12.2023. The rights of the petitioners and other licensees to be allotted shops in the new market will be governed by the Tamil Nadu Urban Local Bodies Rules.”



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5. In the above said order, this Court categorically stated that the above order is not only applicable to the petitioners, who filed the above two writ petitions, but also to the other licensees, who are running the shops in the above mentioned complex. Hence, the petitioners, who filed the above two writ petitions and other licensees, who have not filed any cases, have to be allotted the temporary places by the respondent municipality in the light of the above order.

6. While the facts being so, the respondent sent a notice to the petitioners directing them to vacate the shops, which were allotted to them before 28.01.2024 and to hand over the possession to the respondent municipality, which is against the order passed by this Court in W.P(MD)Nos.15877 and 17127 of 2022, dated 13.12.2023.

7. The petitioners have sent representations to the respondent requesting to provide a temporary place and to give a reasonable time to vacate the shops from the above said complex. After receiving the same, the respondent is taking hectic steps to vacate the petitioners from the shops without considering their request. Hence, the petitioners have approached this Court by way of filing the present Writ Petitions for the relief stated supra.



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WEB COPY 8. The learned counsel appearing for the respondent would submit that the respondent is trying to search the alternative site and after find out the area which is suitable for relocating the petitioners temporary shop, the same will be considered within a period of two weeks and appropriate orders will be passed.

9. Considering the limited scope of the prayer sought for by the petitioner, without going into the merits of the matter, this Court directs the respondent to consider the petitioners' representations and pass orders on merits and in accordance with law within a period of two weeks from the date of receipt of a copy of this order.

10. Accordingly, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

11. Post the matter on 15.03.2024 “for reporting compliance”.

15.02.2024

Index : Yes/No
Internet: Yes/No
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V.BHAVANI SUBBAROYAN, J.

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