



W.P(MD)No.4429 of 2024

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**DATED : 23.02.2024**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**W.P(MD)No.4429 of 2024**

**and**

**W.M.P(MD)Nos.4253 & 4255 of 2024**

M/s.Vennila Clothing Company,  
Represented by its Partner,  
K.R.Nagarajan,  
Having Office at 10/3-A, Sengunthapuram,  
Mangalam Road,  
Tiruppur – 641 604.

... Petitioner

Vs.

Thanjavur City Municipal Corporation,  
Represented by its Commissioner,  
No.1, Gandhiji Road,  
Near Railway Station,  
Thanjavur – 613 001.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the respondent relating to the proceedings in Na.Ka.No.10849/2022/MCA5 dated 18.01.2024, Na.Ka. No.10849/2022/MCA5 dated 18.01.2024 and Na.Ka.No. 10849 / 2022/ MCA5 dated 13.02.2024 received by the petitioner on 21.02.2024 and



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quash the same and consequently forbearing the respondent from evicting the petitioner from the commercial building in the northern side west facing “C” Block building in Gandhiji commercial complex, Thanjavur.

For Petitioner : Mr.Kandhan Duraisami

For Respondents : Mr.Veera Kathiravan,  
Additional Advocate General,  
Assisted by,  
Mr.Dilip Kumar,  
Standing counsel.

### **ORDER**

Heard the learned counsel appearing for the writ petitioner and the learned Additional Advocate General assisted by the learned Standing counsel appearing for the respondent.

2. Ms.R.Maheswari, Commissioner is also present before this Court through V.C. mode.

3. The petitioner had entered into a lease agreement with the respondent Corporation on 15.09.2023. The petitioner had also occupied the premises in question and is presently running his business. While so, by the impugned communication, the agreement has been terminated and the petitioner has been informed that unless the petitioner vacates the



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premises, it will be locked and sealed. Challenging the same, the present writ petition has been filed.

4. After hearing both sides, I conclude that the impugned notices are liable to be set aside on the sole ground of violation of principles of natural justice. I consciously refrain from going into any other contentious aspect. The petitioner had already filed W.P.(MD)No.3890 of 2024 and the same was disposed of by me in the following terms:-

“7. I am not persuaded by the stand of the respondent. This issue can be disposed of on a short ground. Admittedly, contract between the petitioner and the respondent had already concluded. The petitioner had also altered his position. In these circumstances, without terminating the contract in the manner known to law, the respondent could not have called for fresh tenders in respect of the building let out to the petitioner. This is something elementary. The respondent had been ill advised. The respondent is a local body and a statutory authority. It cannot conduct itself in an arbitrary manner. It is for this reason that I set aside the impugned notification in so far as the petition mentioned building is concerned. It remains untouched in respect of all other aspects. Since the writ petition has been disposed of at the admission stage itself, the power of the respondent to terminate the contract entered into with the petitioner is not



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gone into. It is open to the respondent to issue notice for cancellation of lease agreement executed in favour of the petitioner. As and when such notice is issued, the petitioner can resist the same in the manner known to law. In other words, while granting liberty to the respondent, the petitioner's defences are left open. This writ petition stands allowed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.”

5. It is open to the respondent Corporation to act in terms of the liberty granted therein. The petitioner's contentions are also left open.

6. The learned Additional Advocate General as well as the Commissioner categorically states that the petitioner is in arrears. If that be so, the petitioner is directed to clear the same forthwith and without any delay. With this direction to the petitioner, this writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

**23.02.2024**

NCC : Yes/No  
Index : Yes / No  
Internet : Yes/ No  
PMU

**Note: Issue order copy on 23.02.2024.**



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**G.R.SWAMINATHAN, J.**

PMU

To

- 1.The Superintending Engineer,  
TANGEDCO,  
Tirunelveli Electricity Distribution Circle,  
Tirunelveli.
- 2.The Chairman and Managing Director,  
TANGEDCO,  
144, Anna Salai,  
Chennai – 02.
- 3.The Chief Financial Controller / Revenue,  
TANGEDCO,  
144, Anna Salai,  
Chennai – 02.

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