



W.P(MD)No.4761 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 24.02.2025

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Writ Petition(MD)No.4761 of 2025
and
W.M.P(MD)Nos.3435 and 3436 of 2025

M.Govindarajan

..Petitioner

Vs

1.The Commissioner,
Madurai Corporation,
Madurai.

2.The Assistant Commissioner,
Office of Assistant Commissioner,
Zone – 2 (Centre),
Madurai Corporation,
Madurai.

3.R.Kumaresh Babu

4.Ramesh Babu

5.J.K.G.Chandrasekaran

..Respondents

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 2nd respondent's impugned Notice in File



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No.Ma.Thi/005878/2024 dated 17.10.2024 and quash the same as devoid of merits and consequently direct the respondents not to disturb the petitioner's possession in Door No.10B, Khansha Mettustreet, 1st Santhu, Madurai - 625001 by considering the petitioner's representation dated 13.02.2025 within the period stipulated by this Court.

For Petitioner : Mr.A.Haja Mohideen

For Respondent : Mr.K.K.Kannan
(for R1 and R2)

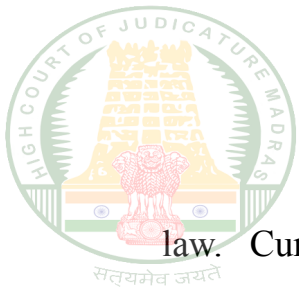
Mr.J.Alaguram Jothi (for R4)

ORDER

This writ petition is filed to quash the impugned notice issued by the second respondent in File No.Ma.Thi/005878/2024 dated 17.10.2024 and to direct the respondents not to disturb the petitioner's possession in Door No. 10B, Khansha Mettustreet, 1st Santhu, Madurai – 625001.

2. The pleading in the writ petition is as follows:-

The petitioner is doing gold jewelry-making business in the subject property. The said building originally belonged to the third respondent's father, T.N.Rajan. He died three years ago. The respondents 4 and 5 are his sons-in-



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law. Currently, the respondents 3 to 5 are receiving rent. However, they are attempting to evict the petitioner since they got a decree for partition. Hence, the petitioner sought three years time to vacate the premises. In order to vacate the petitioner immediately, the respondents 3 to 5 instigated the second respondent and gave a false petition as if the subject property is in a dilapidated condition. Based on the said complaint, the second respondent issued the impugned notice, requesting the petitioner to vacate the premises within seven days. Challenging the same, the present writ petition.

3. When the matter came up for admission, not being convinced with the writ petition, I suggested to the petitioner that in case he wants to continue to reside in the premises, he has to file an affidavit of undertaking seeking time to hand over possession. The petitioner took time to file an affidavit of undertaking. Hence, the matter is adjourned today.

4. When the matter is taken up for hearing today, the petitioner filed an affidavit of undertaking, wherein, he has given an unconditional undertaking, which reads as follows:

“3. I submit that the above writ petition came up for hearing on 21.02.2025, while so by taking note of the factual situations, I undertake to vacate the premises and handover the vacant



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possession and key to the respondents Nos.3 to 5 within six months from today i.e., on or before 23.08.2025 without any further extension, claim or demand. Till date of vacating the premises, I will pay the Electricity Charges and other statutory charges for my business and till then I will maintain the premises. I will obey the orders of this Hon'ble Court without any violation. To this effect this Affidavit may be recorded.”

5. As the petitioner has given an unconditional undertaking that he would vacate and handover the possession of the premises on or before 23.08.2025, nothing further remains to be adjudicated in the writ petition. Hence, recording the said undertaking, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

24.02.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes
skn

To

1. The Commissioner,
Madurai Corporation,
Madurai.
2. The Assistant Commissioner,
Office of Assistant Commissioner,
Zone – 2 (Centre),
Madurai Corporation,
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V.LAKSHMINARAYANAN, J.

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