



W.P(MD)Nos.22623 to 22629 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.22623 to 22629 of 2018 and
WMP(MD) Nos.20507 to 20513 of 2018

W.P(MD)No.22623 of 2018:-

T.Amsavalli

... Petitioner

Vs

1.The Assistant Commissioner,
Tiruchirappalli Corporation,
Ariyamangalam Zone,
Tiruchirappalli,
Tiruchirappalli District.

2.The Commissioner,
Tiruchirappalli Corporation,
Tiruchirappalli,
Tiruchirappalli District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the impugned order passed by the first respondent in Na.Ka.No.A1/04721/2018 (Ariyal), dated 26.10.2018 /Shop No.331/5 and quash the same.



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For Petitioner : Mr.M.Ashok Kumar
For Respondents : Mr.R.Baskaran
Senior Counsel for
M/s. R.B.Law Associates
(In all WPs)

COMMON ORDER

These petitioners are the onion merchants, who have been given space by the respondent Corporation on road margins in Sub Jail Road, Trichy City. The lease was given to these petitioners long ago and it was not extended after 31.03.2010. In the space given by the respondent Corporation, they have constructed superstructure and running their shops. However, the petitioners were directed to vacate their shops in Shop Nos.331/5, 330/4, 300/8, 294/2, 307/15, 340/14, 299/7 by the orders impugned in these writ petitions that due to their shops, there is heavy traffic congestion in that locality. As against the impugned notices, these writ petitions have been filed in the year 2018 and the same is taken up for hearing in the year 2023.



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2.Since these writ petitions are arising out of the eviction notices issued by the respondent Corporation, these writ petitions are disposed of by this common order.

3.The learned counsel appearing for the petitioners submits that the petitioners are the traders and they are depending upon their trade for their livelihood. The learned counsel further submits that they are paying rent regularly to the Corporation till the issuance of the impugned notices. Since these petitioners are doing business in the said space for several decades, the respondents are not justified in issuing notice calling upon the petitioners to vacate their shops within seven days.

4.The learned senior counsel appearing for the respondents submits that the petitioners were originally granted with a lease long ago and they were permitted to sell their goods on the road margin of Sub Jail Road till 2010. The lease was not extended after 31.03.2010. However, the petitioners are in occupation and also



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paying the rent till the issuance of the notice to the respondent Corporation. Considering the heavy traffic congestion in the sub jail road due to these shops and also considering the fact that these onion merchants have already purchased separate space to run their shops and some of them have already shifted their shops to the new space, the petitioners were directed to vacate the shops by these impugned orders. The respondent Corporation requires the land for widening the road. It is an admitted fact that though the notice was issued with a direction to vacate the shops within seven days, by filing these writ petitions, the petitioners are still in possession of the shops for not less than five years. More over, after the issuance of notice, the petitioners have not paid any rent to the respondent Corporation and the respondent Corporation has not collected any rent from the petitioners, in view of the pendency of these writ petitions.

5.This Court considered the rival submissions made and also perused the materials placed on record.



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6.The petitioners claim that the respondent Corporation has permitted the petitioners to run the shops in the road margins of Sub Jail Road, Trichy. However, none of the petitioners have produced the licence issued by the respondent Corporation. The learned senior counsel for the respondent Corporation has taken a stand that the licence was not extended after 31.03.2010 and the same has not been denied on the side of the petitioners. However, the Corporation has collected the rent from the petitioners upto 2013. The impugned notices have been issued to the petitioners without providing sufficient opportunity to them with a direction to the petitioners to vacate their respective shops within seven days. Apart from that, the respondent Corporation is intending to widen the road in order to set right the traffic congestion in that area.

7.Considering that there is no licence has been produced before this Court either by the petitioners or by the respondent Corporation and these petitioners have enjoyed the vacant space



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provided by the respondent Corporation for years together and they have not paid any rent to the respondent Corporation after issuance of the impugned notices, this Court is not inclined to grant any relief to these petitioners. Accordingly, these writ petitions are dismissed. No costs. Consequently, connected Miscellaneous petitions are closed.

09.02.2024

NCC: Yes/No

Index: Yes/No

Internet: Yes

vrn

To

1.The Assistant Commissioner,
Tiruchirappalli Corporation,
Ariyamangalam Zone,
Tiruchirappalli,
Tiruchirappalli District.

2.The Commissioner,
Tiruchirappalli Corporation,
Tiruchirappalli,
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Common Order made in
W.P(MD)No.22623 to 22629 of 2018 and
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