



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:18.08.2025

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CORAM

THE HONOURABLE MRS JUSTICE N. MALA

WP.No.5594 of 2025

and

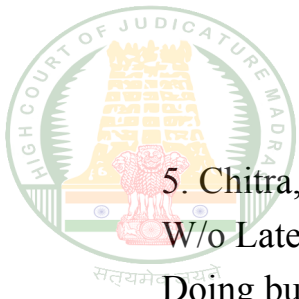
WMP.No.6171 of 2025

1.V.Ramalingam,
S/o.Viswanathan,
Doing Business at Shop No.2,
Old Collectors Office Road,
Manjakuppam, Cuddalore- 607 001.

2.Rajammal,
W/o.Amirthalingham,
Doing Business at Shop No.14,
Old Collectors Road, Manjakuppam,
Cuddalore- 607 001.

3.Mohamed Ali,
S/o. Mohamed Rafi,
Doing Business at Shop No.1,
Old Collectors Road, Manjakuppam,
Cuddalore- 607 001.

4.Santhi,
W/o.Ranganathan,
Doing Business at Shop No.4,
Old Collectors Road, Manjakuppam,
Cuddalore- 607 001.



5. Chitra,

W/o Late A.Rajendran,

Doing business at Shop No.10,
Old Collectors Road, Manjakuppam,
Cuddalore- 607 001.

6.Abdul Yacub,

S/o.Abdul Wahab,

Doing business at Shop No.13,
Old Collectors Road, Manjakuppam,
Cuddalore- 607 001.

7.Ramkumar,

S/o.Velmurugan,

Doing business at Shop No.13,
Old Collectors Road, Manjakuppam,
Cuddalore- 607 001.

8.V.Govindasamy,

S/o.Veerassamy,

Doing business at Shop No.16,
Old Collectors Road, Manjakuppam,
Cuddalore- 607 001.

9.M.Vijay,

S/o. Murugan,

Doing business at Shop No.16,
Old Collectors Road, Manjakuppam,
Cuddalore- 607 001.

10.S.Selvam,

S/o.Senathipathi, Doing Business at
Shop No.25, Old Collectors Road,
Manjakuppam, Cuddalore- 607 001.



11.M.Natarajan

S/o. Madhavan, Doing Business At
Shop No.28, Old Collectors Road,
Manjakuppam, Cuddalore- 607 001.

12.S.Venkatesan

S/o.Subburayan Doing Business At
Shop No.30, Old Collectors Road,
Manjakuppam, Cuddalore- 607 001.

13.M.Vasanthi

W/o. Mani, Doing Business At Shop
No.31, Old Collectors Road,
Manjakuppam, Cuddalore- 607 001.

14.R.Srinivasan

S/o.Ramachandran, Doing Business At
Shop No.32, Old Collectors Road,
Manjakuppam, Cuddalore- 607 001.

15.Sekar

S/o.V.Gurursami, Doing Business At
Old Collectors Road, Manjakuppam,
Cuddalore- 607 001.

16.K.Subramanian

S/o. Kalian, Doing Business At Shop
No.3, Old Collectors Road,
Manjakuppam, Cuddalore- 607 001.

17.Vijayakumar,

S/o. Azhagesan, Doing Business At
Shop No.12, Old Collectors Road,
Manjakuppam, Cuddalore- 607 001.



18.R.Soundaravalli

W/o. K.Raja, Doing Business At Shop
No.16, Old Collectors Road,
Manjakuppam, Cuddalore- 607 001.

Petitioner(s)

Vs

1.The Collector
Cuddalore District,
Gundu Salai Road, Alpet,
Manjakuppam,
Cuddalore- 607 001.

2.The Commissioner
Cuddalore City Municipal Corporation,
Bharathi Road, Cuddalore- 607 001.

3.The Executive Engineer (Planning)
Cuddalore City Municipal Corporation,
Bharathi Road, Cuddalore- 607 001.

4.The Inspector of Police,
Cuddalore N.T Police Station,
Cuddalore- 607 001.

Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Certiorarified Mandamus, call for the records and quash the impugned proceedings of the 3rd respondent in Na.Ka.8036/2024/F1 dated 10.02.2025 and consequently forbearing the respondents from evicting the petitioners except by due process of law and pass such further orders.



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For Petitioner(s): Mr.D.Baskar

For Respondent(s): Mrs.R.L.Karthika, GA- R1
Mr.P.Srinivas, Standing Counsel
for R2 & R3
Mr.R.Kishore Kumar,
GA(Crl.Side) – For R4

ORDER

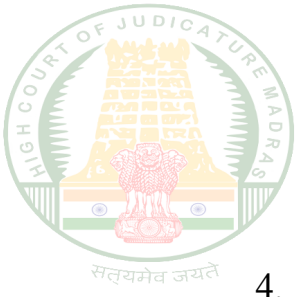
This writ petition has been filed for issuance of a Writ of Certiorarified Mandamus, call for the records and quash the impugned proceedings of the 3rd respondent in Na.Ka.8036/2024/F1 dated 10.02.2025 and consequently forbearing the respondents from evicting the petitioners except by due process of law.

2. The petitioners have been running bunk shops for over two decades on Old Collector's Office Road, now within the Cuddalore City Municipal Corporation limits. The road houses important government buildings including the Court complex and the SP's office. The petitioners have been in continuous possession, paying monthly rent (Rs.1600–Rs.3500) and electricity charges to the 2nd respondent, who had allotted these bunk shops with shop numbers. The petitioners filed suits O.S. Nos. 45 and 46 of 2001 against the 2nd respondent,



which were decreed on 18.04.2002 and became final. However, in 2023, the 2nd respondent issued notices branding them as encroachers and attempted removal, which led the petitioners to file fresh suits (O.S.Nos.203, 205, and 207 of 2023), wherein interim injunctions were granted. Despite being parties to these pending suits and admitting the tenancy in their written statements, the 3rd respondent issued fresh proceedings (Na.Ka.No.8036/2024/F1 dated 10.02.2025) seeking to remove the shops using police force due to the proposed Chief Minister's visit.

3. Learned counsel appearing for the petitioners contends that they are lawful tenants, not encroachers, having paid rent and electricity dues regularly. He argues that the eviction attempt without following due process under the Transfer of Property Act violates the principles of natural justice. He highlights that the matter is sub judice, with injunction orders in force, and accuses the respondents of acting with malice and arbitrariness. He claims the impugned proceedings issued for the Chief Minister's visit are a misuse of power and seek to bypass lawful eviction procedures. Thus, the writ petition challenges the 3rd respondent's communication as unlawful and prays for its quashing.



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4. It is further submitted that during the pendency of the present writ petition, a notice dated 11.04.2025 has been issued to the petitioners, directing them to vacate the premises.

5. As regards petitioners 1 and 2, it is the specific contention of respondents 1 and 2 that their bunk shops are located within the roadway and, hence, require relocation in the larger public interest. However, it is also submitted that they too may be shifted to the identified alternate location, in line with the arrangements made for the other petitioners. Learned counsel for the petitioners, on instructions, has also accepted the above submission made by the learned Standing Counsel appearing for the Corporation.

6. Heard both sides and perused the materials available on record.

7. In view of the above facts and circumstances of the case, this Court is of the considered view that the impugned proceedings dated 10.02.2025 issued by the third respondent in Na.Ka.No.8036/2024/F1 is hereby quashed. The third respondent is directed not to initiate or pursue any further eviction proceedings



against the petitioners, except in accordance with law and upon obtaining appropriate orders from the competent civil court.

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8. In the result, the writ petition stands disposed of with the above observations and direction. Consequently, connected miscellaneous petition is closed.

18-08-2025

Index: Yes/No

Speaking/Non-speaking order
cda/ak

To

1. The Collector
Cuddalore District,
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Cuddalore- 607 001.

2. The Commissioner
Cuddalore City Municipal Corporation,
Bharathi Road, Cuddalore- 607 001.

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N. MALA, J.

Cda/ak

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