



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.09.2025

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CORAM:

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

Writ Petition Nos.12574 and 12576 of 2025
and WMP Nos.14155 and 14158 of 2025

D. Elumalai ... Petitioner in WP No.12574 of 2025

Soundarapandian ... Petitioner in WP No.12576 of 2025

Vs.

1. The District Collector,
Kallakurichi.

2. The Commissioner,
Ulundurpet Town Panchayat,
Ulundurpet, Kallakurichi.

3. The District Manager,
Tamil Nadu Adi Dravidar Housing and Development
Corporation Limited (TAHDCO),
Kallakurichi District. ... Respondents in both the Petitions

Prayer: Writ Petitions filed under Article 226 of the Constitution of India praying for, to issue a Writ of Certiorari, to call for records on the file of second respondent in proceedings Na.Ka.No.4/2022/A1 dated 06.03.2025 and to quash the same as illegal, incompetent and without jurisdiction.



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W.P.Nos.12574 and 12576 of 2



For Petitioners : Ms. R.Poornima
(in both the petitions)

For Respondents : Ms.C.Meera Arumugham,
(in both the petitions) Additional Government Pleader, for R1

Mr.M.S.Prem Kumar,
Government Advocate, for R2

Mr.Mathialagan, for R3

COMMON ORDER

These two Writ Petitions have been filed by occupants of shops leased out by the Tamil Nadu Adi Dravidar Housing and Development Corporation Limited (TAHDCO). They challenge the order directing them to hand over possession of the property.

2. This Court entertained the Writ Petitions and had granted an interim order. The respondents have gone by way of counter affidavit and the pleadings are complete.



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3. I heard Ms. R.Poornima, learned counsel appearing for the petitioners in both the petitions, Ms. C.Meera Arumugham, learned Additional Government Pleader appearing for the first respondent in both the petitions, Mr.S.Prem Kumar, learned Government Advocate for the second respondent in both the petitions, and Mr.Mathialagan, learned counsel appearing for the third respondent in both the petitions.

4. There exists a commercial complex in the precincts of the Ulundurpet Bus Terminus. The premises belong to the Ulundurpet Municipality. The Municipality decided to lease out the premises in favour of TAHDCO. The purpose of such handing over was to enable persons belonging to the Scheduled Castes and Scheduled Tribes Community to do their business in the Commercial Complex,

5. The TAHDCO thereafter granted lease of the said property to several persons, which includes both the Writ Petitioners. Subsequently, TAHDCO surrendered the lease to the Municipality. On account of lapse of

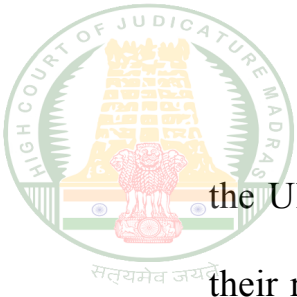


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time, the building has become weak, dilapidated, and unsafe for its occupants. Hence, the Ulundurpet Municipality decided to demolish the building and put up a new construction. It is obvious that the Municipality took the decision for two purposes; first, to ensure the safety of the inhabitants of the building, and the second, for the enhancing its revenue. Pursuant to this decision, the impugned notice were served on all the 15 shop owners. It is not in dispute that there has not been a selective service of eviction notices. It has been served on all persons, who are in occupation of the said building.

6. The petitioner pleads that the Bill Collector had collected the arrears and yet, they were served with the eviction notices. The plea of Ms.R.Poornima, is that the occupants were kept in the dark regarding the decision of the Municipality and, further, that since the petitioners have paid the rents due, they ought not to be evicted.

7. Mr.S.Prem Kumar, learned Government Advocate relying upon the counter affidavit states that the amounts were collected in order to enable



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the Ulundurpet Municipality to give preference to persons, who have paid their rents without any default, while considering them for allotment in the proposed Commercial Complex. He has produced the photographs to show that the building is in a dilapidated condition. A perusal of the photographs shows that the roof has lost its utility. The concrete on the roof has also fallen down. Further, Mr.S.Prem Kumar states that the TAHDCO has handed over the possession of the Commercial Complex to Ulundurpet Municipality years ago i.e., in 2014 and therefore, TAHDCO has nothing to do with the said building as on today.

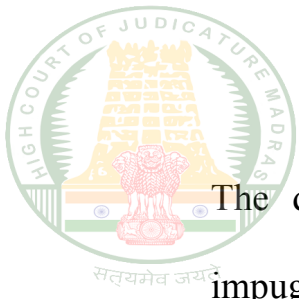
8. I have carefully considered the submissions. I have gone through the records. For the mere fact that the building belongs to Ulundurpet Municipality does not mean a person, who is in occupation of the same, is entitled to continue in such possession *ad infinitum*. Payment of rents is for the occupation of the premises by the petitioners for the past period. In fact, they should have paid the rents month on month without any default.



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9. The Municipality has extended a benefit to the petitioners by collecting the arrears of rent in lump sum. The mercy shown by the Ulundurpet Municipality to the petitioners cannot be extended to such an extent that the Municipality is not entitled to pull down a building which belongs to it, and put up a fresh construction to augment its income. Impleading of TAHDCO, after it had handed over possession to the Ulundurpet Municipality itself shows that the petitioners, in one way or the other, seek to remain in the possession of the property.

10. It is for the landlord to decide whether he/she wants to demolish the building or continue with the existing one. Even under Civil Law or under the Rent Control Legislations, a tenant is not entitled to dictate to the landlord as to how he should utilize a premises belonging to him. It is entirely up to the discretion of the landlord, whether he wants to pull down a dilapidated structure or take the risk of continuing the possession of the persons, who are in occupation. Here, the Ulundurpet Municipality has taken a decision to pull down the building and put up a new superstructure.



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The decision of the Ulundurpet Municipality to do so has not been impugned by the petitioners. The consequential proceedings directing them to handover possession alone has been challenged.

11. In any event, the petitioners are not prejudiced since the impugned order itself has set out that the petitioners will be given priority/preference once the construction of the new complex is completed. Pending the Writ Petition, taking into consideration that the petitioners have been in occupation of the building for long years, Ms.R.Poornima, learned counsel was called upon to file an affidavit of undertaking stating that they will handover possession peacefully and thereafter, once the construction is completed, they will claim the preferential allotment meted out to them under the impugned order. Though initially the petitioners were willing, today Ms.R.Poornima reports that the tenants are not interested to take benefit of the time granted to them.

12. That being the circumstances, and since it is for the Ulundurpet Municipality to decide as to how it wants to utilize a property which



belongs to it, I am not inclined to interfere with the order. The Writ

Petitions are **dismissed**. There shall be no order as to costs. Consequently,

the connected miscellaneous petitions are closed.

04.09.2025

jv

Internet : Yes
Index : Yes/No
Neutral Citation : Yes/No
Speaking order/Non Speaking order

To

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V. LAKSHMINARAYANAN, J.

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