



WEB COPY

WP No. 29255 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-08-2025

CORAM

THE HONOURABLE MRS.JUSTICE N. MALA

WP No. 29255 of 2025

AND

WMP NO. 32811 OF 2025

S.Ganesan

Petitioner(s)

Vs

The Executive Officer,
Kunnathur Town Panchayat,
Tiruppur District-638 103.

Respondent(s)

Writ petition is filed under Article 226 of the Constitution of India, pleaded to issue Writ of Certiorarified Mandamus, call for the records relating to the proceedings in the notice Na.Ka. No.212/2025 on the file of the respondent / the Executive Officer, Kunnathur Town Panchayat, Tiruppur District dated 18.07.2025 and quash the same based on the petitioner's representation dated 15.05.2025 to the respondent.

For Petitioner(s): Mr.D.Veerasekaran

For Respondent(s): Mrs.S.Mythreye Chandru,
Special Government Pleader

**ORDER**

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The above writ petition is filed for issuance of a Writ of Certiorarified Mandamus, to quash the proceedings in Na.Ka.No.212 of 2025 dated 18.07.2025, on the basis of the petitioner's representation dated 15.05.2025 and pass further or other orders.

2. The petitioner's case is that he was the successful bidder of the Shop No.12 in the year 1996, and that he continued in peaceful enjoyment and possession of the shop, on the basis of the periodical renewal of lease in his favour. The petitioner states that the lease was recently renewed on 10.03.2025, for a period of 3 years from 2025-2026 to 2027-2028, on condition of payment of 15% enhanced rent and security deposit of Rs.1,79,820/-. Pursuant to the renewal of the lease, the petitioner renewed his food license on 11.03.2025, and further continued to pay the enhanced rents regularly. The petitioner states that he received a notice of eviction on 05.05.2025, from the respondent on the ground that it proposed to demolish and construct a commercial complex. The petitioner on receipt of the notice sent a representation on 15.05.2025, objecting



to the eviction, however, petitioner continued to pay the rent for the months of June and July on 05.06.2025 and 07.07.2025 respectively. The petitioner states

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that as on date, there are no arrears of rent for the shop. The petitioner further states that on 18.07.2025, the impugned order was passed by the respondent directing the petitioner to vacate the shop on or before 31.07.2025. Aggrieved by the impugned order, the petitioner filed the above writ petition for the aforesaid relief.

3. The learned counsel for the respondent submitted that in identical cases in W.P.Nos.19577 and 19573 of 2025, this Court disposed of the writ petitions, directing the respondents to give preferential allotment to the petitioner's therein under Rule 11(A) of the Tamil Nadu Urban Local Bodies Rules. The learned counsel further submitted that considering the identity of facts and law similar directions may be issued in the present writ petition also.

4. I heard both the learned counsels and perused the materials placed on record. With the consent of both the learned counsels, the main writ petition is taken up for final disposal at the admission stage itself.



5. The facts are undisputed. As rightly contended by the learned counsel for the respondent, under identical circumstances, this Court vide order dated 29.05.2025 in W.P.No.19577 of 2025 and order dated 29.05.2025 in W.P.No.19573 of 2025 held as follows:

“5. Upon considering the on going project, this Court is not inclined to interfere. However, certain conditions are imposed. Since the lease period has been extended until 2028, upon completion of the construction work, preferential allotment shall be given to the petitioner in accordance with Rule 11(A) of the Tamil Nadu Urban Local Bodies Rules. Further, the time to vacate the premise is extended by two months.

6. Accordingly, upon such vacation, the deposit amount paid by the petitioner is ordered to be returned.”

The aforesaid order of this Court, directly applies to the facts of the case and hence the writ petition is disposed of in terms of the aforesaid order. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

dsn

06-08-2025

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Index:Yes/No

Speaking/Non-speaking order

Neutral Citation:Yes/No



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To
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N.MALA J.

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