



W.P.No.31990, 31993 & 31995 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2025

CORAM:

THE HONOURABLE MRS. JUSTICE N.MALA

W.P.Nos.31990, 31993 & 31995 of 2025

and

W.M.P.Nos.35836 to 35838 & 35841 of 2025

Venkatesh ... Petitioner in W.P.No.31990 of 2025

C.Mahaveer Chand ... Petitioner in
W.P.No.31993 of 2025

Iyyappan ... Petitioner in
W.P.No.31995 of 2025

Vs.

1. The District Collector
Kallakurichi

2. The Commissioner
Thirukoilur Municipality,
Thirukoilur, Kallakurichi.

... Respondents in all
Petitions

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records on the file of the second respondent in proceedings Na.Ka.No.456/2022/E1 dated 18.07.2025 and to quash the same as illegal, incompetent and without jurisdiction.



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For Petitioner
in all Petitions : Ms.R.Poornima

For Respondents
in all Petitions : Mrs.C.Meera Arumugam
Additional Government Pleader for R1

: Mr.P.Srinivas
Standing Counsel for R2

COMMON ORDER

Mrs.C.Meera Arumugam, learned Additional Government Pleader accepts notice on behalf of the 1st respondent and Mr.P.Srinivasa, learned Standing counsel accepts notice on behalf of the 2nd respondent in all the writ petitions. With the consent of the learned counsels on either side, the writ petitions are taken up for final disposal.

2.As the facts and issues are common to all the three writ petitions, the writ petitions are disposed of by this common order.

3.These Writ Petitions are filed to quash the impugned eviction notices dated 18.07.2025 issued by the 2nd respondent.

4.The petitioners state that the 2nd respondent is the owner of 13 shops in Gandhi Centenary Vizha Thirumana Mandapam. The petitioners state that the petitioners were leased out shops which measure between 170 and 84 sq.ft. The petitioners further state that the rents



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were periodically increased by the 2nd respondent but the petitioners continued to pay the rents without any default. While so, in April 2025, the 2nd respondent, all of a sudden, informed the petitioners to vacate the building stating that the building was proposed to be demolished and reconstructed. Thereafter, on 18.07.2025, the impugned eviction orders were passed, directing the petitioners to vacate the shop premises. Aggrieved by the impugned eviction orders, the writ petitions are filed for the aforesaid relief.

5.The learned counsel for the petitioners submits that assuming that the building needs immediate demolition and reconstruction, the respondents are bound to give preferential allotment to the petitioners in the new building in terms of Rule 316 of the Tamil Nadu Urban Local Bodies Rules [in short "TNULB Rules"], by entering into a Memorandum of Understanding in this regard. Learned counsel further submits that reasonable time may be granted to the petitioners to vacate the shops.

6.The learned Standing counsel for the respondents, on instructions submits that the building is in a dilapidated condition and it needs immediate demolition and reconstruction. The learned Standing



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counsel further submits that the Government had already sanctioned the funds and since the monsoon is fast approaching, the petitioners should be directed to vacate the premises. The learned Standing counsel produced photographs in support of his submission that the building needed immediate demolition.

7. Heard both sides and perused the materials placed on record.

8. From the photographs produced by the learned Standing counsel for the respondents, it appears that the building is in a dilapidated condition. Though the respondents are justified in contending that the building needs immediate demolition, I find merit in the petitioners' contention that they are entitled to preferential allotment under Rule 316 of the TNULB Rules.

9. Under the facts and circumstances of the case, this Court is inclined to issue the following directions:

(i) The second respondent shall give preferential allotment to the petitioners in the newly constructed building, by invoking Rule 316 of the TNULB Rules.



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(ii) The second respondent shall, for the purpose of granting preferential allotment to the petitioners, enter into a Memorandum of Understanding with the petitioners, within a period of two weeks from the date of receipt of a copy of this order.

(iii) On execution of the Memorandum of Understanding, the petitioners shall, within four weeks thereafter, vacate the shops and handover the same to Municipality.

With the above observations and directions, these Writ Petitions are disposed of. Consequently, connected Miscellaneous Petitions are closed. No costs.

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dh

Index: Yes/No

Internet: Yes/No

To

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2. The Commissioner
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N.MALA. J.

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