



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-02-2025

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THE HONOURABLE MR JUSTICE D.BHARATHA CHAKRAVARTHY

**WP No. 33651 of 2024 and
WMP No.36422 of 2024**

E.Elakkiya

D/o Late Elango @ Elangovan. Petitioner

Vs

1. The Government Of Tamil Nadu
Rep By Its Secretary, Adi Dravidar And
Tribal Welfare Department,
Fort St. George, Chennai 600 009.

2.The Managing Director
Tamil Nadu Adi Dravidar Housing And
Development Corporation
Limited(THADCO) No 31, Second
Lane, Centop Road, Teynampet,
Chennai 600 018.

3.The District Manager
Tamil Nadu Adi Dravidar Housing And
Development Corporation Limited
(TADHCO) Kallakurichi District.

4.The Executive Officer
Vadakkanandal Town Panchayat,
Kallakurichi District.

..... Respondents



PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned notice issued by third respondent having Na.Ka.No A1 / 529 / 2024, dated 25.10.2024, and quash the same as arbitrary, illegal and void and consequently direct the respondents to renew the license of the Shop No 1 in Vadakkandal Bus Terminus in name of the petitioner.

For Petitioner(s): M/s.K.S.Harish
L.Ramanathan
D. Ajith
A. Arshad Khan

For Respondent(s): Mr.G. Ameedius, Govt. Advocate
For R1 & R2
Mr. S. Balamurugan, Govt.
Advocate for R4
Mr.M. Mathiyalagan,
Senior Counsel For R3

ORDER

This writ petition is filed challenging the impugned notice issued by the third respondent in Na.Ka.No A1 / 529 / 2024, dated 25.10.2024.

2.By the said order, the petitioner being a tenant in respect of a shop that is owned by the 4th respondent Town Panchayat, the petitioner is directed to vacate and handover the premises. The ground on which the petitioner is directed to vacate is that, the building is an old building and on



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account of some scheme, the 4th respondent is proposing to construct a new shopping complex. The learned counsel for the petitioner would submit that the petitioner has been carrying on its business and eking her livelihood from the said shop. Petitioner is also willing to pay all the rental arrears. In spite thereof, the petitioner is ordered to be evicted.

3. When the petitioner is only a tenant in respect of the shop and when the building is 25 year old and now the 4th respondent Town Panchayat wants to demolish and redevelop it into a new shopping complex and for that purpose, the petitioner is requested to vacate, the same cannot be termed as arbitrary or unfair. However, when a new shopping complex is built in respect of the one shop, the petitioner can be given preference, provided, the petitioner also matches the market value and the highest bid that is made in respect of anyone of the shop.

4. The learned counsel for the petitioner submits that the petitioner will also deposit the arrears of rent till the date of her vacating the premises.

The learned counsel also submitted that the petitioner will vacate and handover



5.This Writ Petition is disposed on the following terms;

(i) The petitioner shall vacate and handover the vacant possession of the shop to the 4th respondent on or before 30.04.2025.

(ii) Upto the date of 30.04.2025, all the arrears of the rent shall be paid to the 3rd respondent. Upon the petitioner complying with the same, in the new complex that is proposed to be built, the petitioner shall be given preference in respect of one shop, provided, the petitioner matching the market value of the rent that is proposed by the respondents 3 and 4.

(iii) If the petitioner omits to comply with the above conditions, then the respondents 3 and 4 shall give effect to the impugned order, dated 25.10.2024 and take possession of the premises.

(iv) No costs. Consequently connected miscellaneous petition is also closed.

28-02-2025

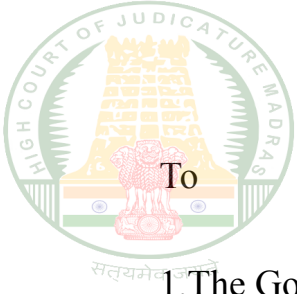
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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

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**D.BHARATHA
CHAKRAVARTHY J.**
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