



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.05.2022

CORAM

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.10513 of 2022 and
WMP(MD) No.7637 of 2022

M.Nagarajan

... Petitioner

-Vs-

1.The Assistant Director of Town Panchayat
Office of the Assistant Director of Town Panchayat,
Thanjavur.

2.The Executive Officer,
Thirukkattupalli Town Panchayat,
Thirukkattupalli, Thanjavur.

...Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned notice in Na.Ka.No.267/2021/T.A dated 23.05.2022 issued by the second respondent and quash the same as illegal and direct the respondents herein to permit the petitioner to continue to run the hotel in the second respondent building located at Thirukkattupalli Bus Stand, Thirukkattupalli Town Panchayat, Thanjavur District on payment of agreed lease amount by considering his representation dated 20.05.2022.

For Petitioner	: Mr.A.Sivasubramanian
For R1	: Mr.S.Shaji Bino Special Government Pleader
For R2	: Mr.S.R.A.Ramachandran Additional Government Pleader

ORDER

The petitioner is running a hotel in a bus stand of the second respondent Town Panchayat, which according to the second respondent is in a dilapidated condition, therefore, for the public safety, they wanted to demolish the building. Hence, they issued a notice, dated 23.05.2022 to the petitioner directing him to vacate the hotel within 24 hours. Challenging the same, the present writ petition has been filed.



2. Heard the learned counsel appearing for the petitioner, who would submit that, first of all the building is not that much of dilapidated condition and for the reasons best known to the second respondent they wanted to evict the petitioner, that is the reason why, they issued the present notice, as if the building is in dilapidated condition. More over, within 24 hours a running hotel cannot be vacated, therefore, for these two reasons, the petitioner has challenged the impugned communication.

3. However, the learned Special Government Pleader appearing for the first respondent, on instructions, along with photographs to substantiate that the building is in dilapidated condition would submit that, therefore, they wanted to demolish the building and construct the new one for the best utility of the bus-stand. Therefore, in order to secure the public safety only, notice has been issued directing the petitioner to immediately vacate the hotel.

4. However, this statement made by the respondent is stoutly denied by the petitioner on the ground that after vacating the petitioner, the second respondent decided to let in the premises to some third party, that is their intention. Therefore, the real intention is not to demolish the building, he contended.

5. Be that as it may, having considered the said submission made by the learned counsel appearing on either side, this Court is inclined to dispose of this writ petition with the following order:-

" that the undertaking given on behalf of the second respondent through the learned Special Government Pleader appearing for them that after vacating the petitioner, the building, where the petitioner is running a hotel would be immediately demolished for better utility of bus-stand, therefore, the question of letting out the same premises to any third party does not arise is taken on record. For the aforesaid purpose enabling the second respondent to demolish the building, naturally the petitioner has to vacate the hotel, for which though he sought for longer period, this Court feel that appropriate time must be 30 days, within which the petitioner can vacate the premises and hand over to the second respondent.



6. With this direction, this writ petition is disposed of.
No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

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Vacation Officer/
Assistant Registrar

// True Copy //

28/05/2022

Sub Assistant Registrar(CS)

am/vrn

To

1. The Assistant Director of Town Panchayat
Office of the Assistant Director of Town Panchayat,
Thanjavur.

2. The Executive Officer,
Thirukkattupalli Town Panchayat,
Thirukkatupalli, Thanjavur.

W.P. (MD) No. 10513 of 2022
27.05.2022

tp(CO)

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