

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.P. No. 14885 of 2015
and
M.P.No.1 of 2015

R. Jeyapal

Petitioner

vs.

The Executive Officer,
Namagiripettai Town Panchayat,
Namakkal District.

Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorarified Mandamus calling for the records of the respondent in his proceedings Na.Ka.No.664/2014/A1 dated 23.03.2015, quash the same and consequently direct the respondent to consider the petitioner's representation dated 17.04.2015 within a reasonable time frame as fixed by this Court.

For petitioner : Mr.'K.S. Karthik Raja

For respondent : Ms. R. Indumathi
for
Mr. D. Suriyanarayanan

ORDER

(Order of the Court was made by SATISH K. AGNIHOTRI, J.)

With the consent of the learned counsel for the petitioner and the learned counsel appearing for the respondent, this writ petition is taken up for final disposal.

2 This writ petition is filed assailing the eviction notice issued by the respondent-Municipality under Section 180 of the Tamil Nadu District Municipalities Act, 1920, whereby and whereunder, the petitioner has been ordered to vacate the property, which has been constructed encroaching upon the Municipality road without any permission or approval, within a period of three weeks from the date of receipt of the said notice.

3 Concededly, the petitioner has made a representation dated 17.04.2015 to the respondent in response to the impugned notice dated 23.03.2015 issued by the respondent, which is pending consideration.

4 Today, when the matter is taken up for hearing, the learned counsel for the petitioner submits that it would suffice if a direction is given to the respondent to consider and pass orders on the petitioner's aforesaid representation dated 17.04.2015, within a timeframe.

5 In view of the limited relief now sought by the learned counsel for the petitioner to the extent of directing the respondent to consider and pass orders on the petitioner's representation, without going into the merits of the case, we direct the respondent to consider and pass a reasoned order on the petitioner's representation dated 17.04.2015 on merits and in accordance with law, advertng to each and every averment made in the said representation, as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order. Needless to state that no action for removal of encroachment shall be taken, till orders are passed on the petitioner's representation, as aforestated.

6 The writ petition stands disposed of with the above direction. Costs made easy. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ra
To

The Executive Officer,
Namagiripettai Town Panchayat,
Namakkal District.

+lcc to Mr.K.S. Karthik Raja, Advocate, S.R.No.27600
+lcc to Mr.D. Suriyanarayanan, Advocate, S.R.No.27871

GR(CO)
EU(22/06/2015)

W.P. No.14885 of 2015