

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.03.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

WP.No.5806 of 2015

and

MP.Nos.1 and 2 of 2015

B.Hajirabegum,

.... Petitioner

Versus

1.The Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat, Chennai.

2.The Commissioner,
Tiruppur Corporation, Tiruppur

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent pertaining to the proceedings in File No.A/1/350/2014 dated 18.02.2015 and quash the same and consequently forbear the 2nd respondent from in any way evicting or disturbing or interfering with the peaceful functioning of business of the petitioner at Shop No.3, Old Bus Stand, Tiruppur.

For Petitioner : Mr.N.Umapathi

For R1 : Mr.S.Gunasekaran,
Government Advocate

For R2 : Ms.P.Shanthi

ORDER

Heard Mr.N.Umapathi, learned counsel for the petitioner, Mr.S.Gunasekaran, learned Government Advocate appearing on behalf of the first respondent and Ms.P.Shanthi, learned counsel appearing on second respondent. With consent on either side the Writ Petition itself is taken up for final disposal.

2. The petitioner has filed this Writ Petition challenging the order passed by the second respondent dated 18.02.2015 and to forbear the the second respondent from in any way evicting or disturbing or interfering with the petitioner's business at Shop No.3, Old Bus Stand, Tiruppur.

3. The petitioner would state that he was a successful tenderer in respect of the said shop and lease was granted in his favour and he is running sugarcane juice centre in the said shop. The petitioner would further state that he has been paying the rent regularly in accordance with the lease conditions without any violation. The petitioner is aggrieved by the notification issued by the respondent-Corporation bringing for auction the said shop.

4. The learned counsel appearing for the second respondent on instructions submitted that show cause notice was given to the petitioner on 14.07.2014 stating that the shop was kept in unhygienic condition and therefore the petitioner was directed to rectify the defects. In spite of giving sufficient time, the petitioner did not rectify the defects and the shop has been sealed on 11.11.2014. In such circumstances the petitioner has to submit the reply to the notice dated 14.07.2014 and explain as to how he has been carrying of the business in the shop and if such reply is given, the second respondent shall consider the same on merits and in accordance with law. In the interregnum the question of quashing the impugned notification does not arise.

5. In the light of the above, the Writ Petition is disposed of by directing the petitioner to submit his objections/reply to the notice dated 14.07.2014 within a period of one week from the date of the receipt of the copy of this order and on receipt of the reply, the second respondent is directed to consider the same and pass orders on merits and in accordance with law within a period of one week thereafter. Consequently, connected miscellaneous petitions are closed. No costs.

s/d-

Assistant Registrar (CS-III)

Dt:6/3/2015

True Copy

Sub-Assistant Registrar

To

1.The Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat,
Chennai.

2.The Commissioner,
Tiruppur Corporation,
Tiruppur
Salem District

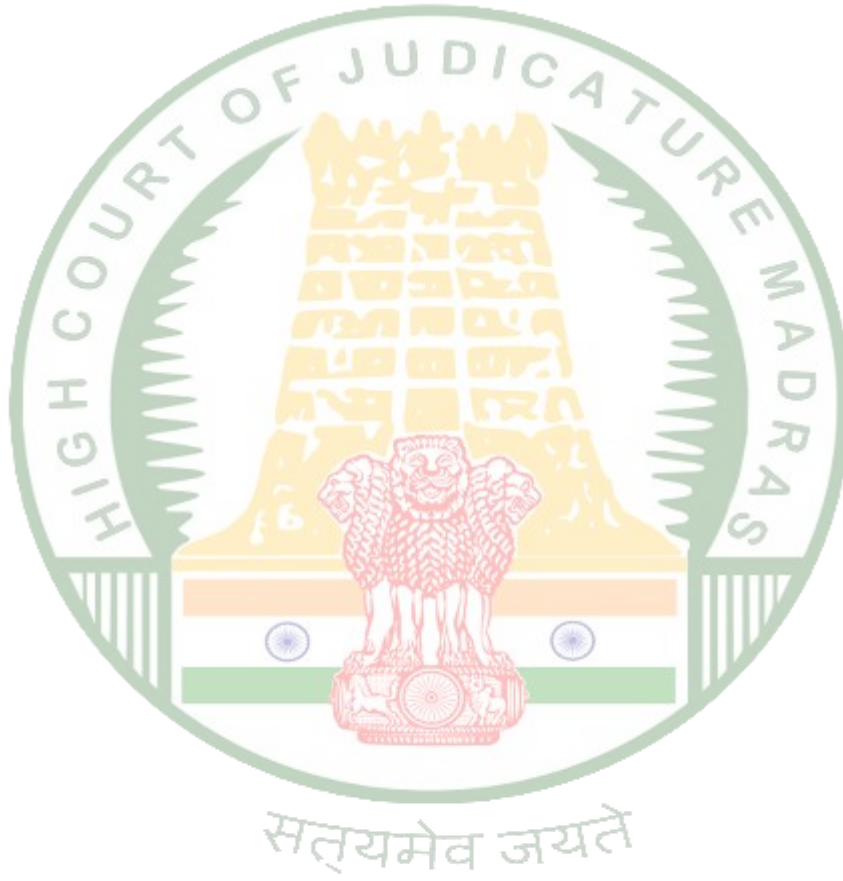
+ 1 cc to Mr.N.Umapathi, Advocate SR 12264

+ 1 cc to M/s.P.Shanthi, Advocate SR 12245

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