



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2015

CORAM:

THE HONOURABLE DR.JUSTICE S.TAMILVANAN
and
THE HONOURABLE MR.JUSTICE V.S.RAVI

W.P (MD) No.4338 of 2015

N.Sankaralingam

... Petitioner

Vs.

1.The Commissioner,
Tenkasi Municipality, Tenkasi Town,
Tirunelveli District.

2.P.Subbiah

... Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Mandamus, directing the first respondent herein to take necessary action to remove the unauthorized construction made by the 2nd respondent herein on the basis of the proceedings of the first respondent herein dated 30.09.2014 as contemplated under the Tamil Nadu District Municipalities Act, 1920.

For Petitioner : Mr.M.Thirunavukkarasu

ORDER

(Order of the Court was made by S.TAMILVANAN,J)

This writ petition has been filed invoking Article 226 of the Constitution of India seeking an order in the nature of Writ of Mandamus to direct the first respondent to take necessary action to remove the unauthorized construction made by the 2nd respondent herein on the basis of the proceedings of the first respondent herein dated 30.09.2014 as contemplated under the Tamil Nadu District Municipalities Act, 1920.

2.Learned counsel appearing for the petitioner submits that it would suffice, if the first respondent is directed to consider the representation of the petitioner based on the earlier order passed by the first respondent dated 30.09.2014.

3.Having considered the limited scope of the writ petition, we find it just and reasonable to dispose of the writ petition with a direction to the first respondent to consider the representation of the petitioner and pass orders according to law, after providing reasonable opportunity to the petitioner and the second respondent. Accordingly, the writ petition is disposed of with a direction to the first respondent to consider the representation if any submitted by the petitioner based on the order passed by the first respondent dated 30.09.2014 and pass appropriate orders on merits, in accordance with law, after providing



reasonable opportunity to the petitioner and the second respondent and other rival claimants, if any, within a period of six weeks from the date of receipt of a copy of this order. No costs.

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/True copy/

Sd/-
Assistant Registrar (Per Admn)

Sub Assistant Registrar

To

The Commissioner,
Tenkasi Municipality, Tenkasi Town,
Tirunelveli District.

+1cc to MR.M.THIRUNAVUKKARASU, ADVOCATE IN SR : 14860

Sms

SR : 17.04.2015 : 2p/3c

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26.03.2015