

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07-12-2016

CORAM:

THE HONOURABLE MR.JUSTICE T. RAJA

W.P.Nos.13975 to 13977 of 2014
and
M.P.Nos.1(3) of 2014

Kokila ... Petitioner in WP.13975/2014
Rajammal ... Petitioner in WP.13976/2014
K. Siva sankaran ... Petitioner in WP.13977/2014

Vs.

1. The District Collector
District Collector Office
Udhagamandalam, The Nilgiris
2. The Executive Engineer
Tamil Nadu Public Works Department
Udhagamandalam, The Nilgiris
3. The Commissioner
Municipality Office
Udhagamandalam, The Nilgiris ... Respondents in all WPs

Writ Petitions filed under Article 226 of the Constitution of India praying for a writ of mandamus forbearing the respondents herein from evicting the petitioners from their premises bearing Door Nos.84,85, 83/79, situated at I.D.H. Compound, Finger Post, Udagamandalam, Nilgiris District, except by due process of law.

For petitioner : Mr. M. Guruprasad

For respondents : Mr. M. Elumalai, for RR1 to 2
Mr. P. Srinivas, for R3

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O R D E R

The petitioners have come forward with these petitions praying for a writ of mandamus forbearing the respondents from evicting the petitioners from their premises bearing Door Nos.84,85, 83/79, situated at I.D.H. Compound, Finger Post, Udagamandalam, Nilgiris District.

2. When the matter is taken up, the learned counsel for the petitioners has drawn the attention of this Court, to Paragraph No.4 of the judgment in W.P.Nos.33177 to 33179 of 2016 dated 22-09-2016, which reads as follows and submitted that in view of the same, these writ petitions may be dismissed as infructuous, as the prayer sought in these petitions have become infructuous.

"4. In the light of the above order passed in connected writ petitions, these writ petitions are also disposed of, on the same lines, as hereunder:

"There shall be a direction to the petitioners as well as the 2nd respondent Municipality to treat the impugned orders issued to the respective petitioners as notices issued under Section 4 of the Tamil Nadu Public Premises (Eviction of Unauthorised Occupants) Act, 1975 and the petitioners are directed to give their reply within 10 days from the date of receipt of a copy of this order. On such reply being received by the 2nd respondent from the respective petitioners, the 2nd respondent is directed to consider the same and pass orders under Section 5 of the said Act within a period of six weeks thereafter. Till such an order is passed under Section 5 of the said Act by the 2nd respondent, the respective petitioners' possession shall not be disturbed."

3. In view of the above, these writ petitions are dismissed as infructuous. No costs. Connected miscellaneous petitions are also dismissed.

Sd/-
Assistant Registrar(CO)

//True Copy//

सत्यमेव जयते Sub Assistant Registrar

glp

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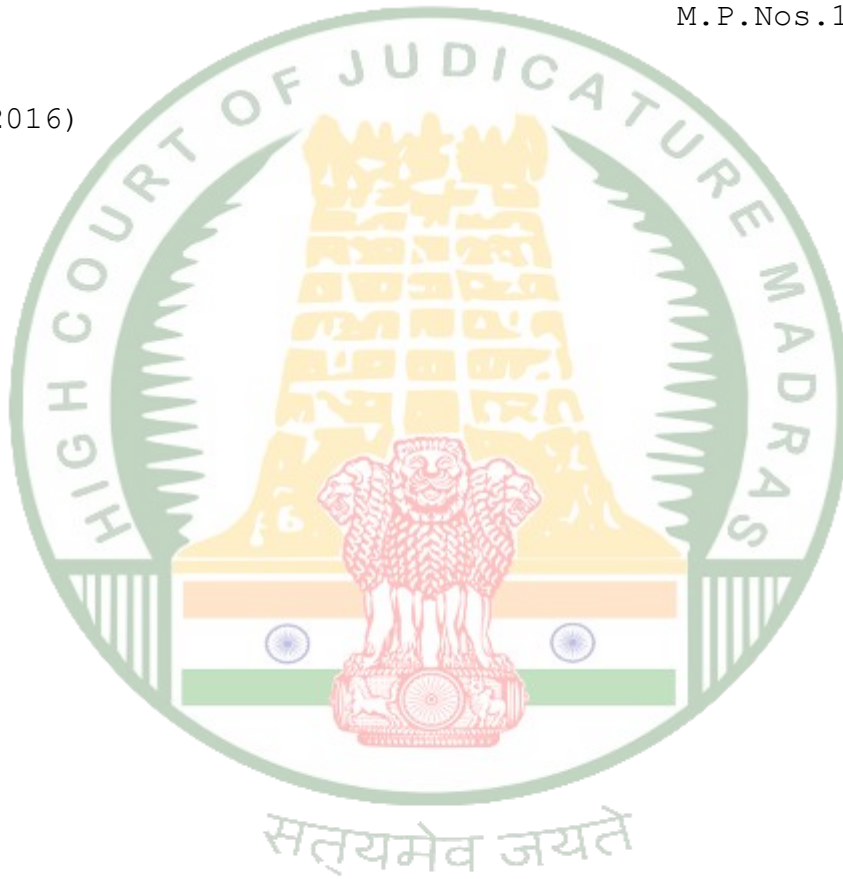
1. The District Collector
District Collector Office
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The Nilgiris

3. The Commissioner
Municipality Office
Udhagamandalam
The Nilgiris

+1cc to Mr.P.Srinivas, Advocate, S.R.No.71961
+1cc to Mr.M.Guruprasad, Advocate, S.R.No.72404

W.P.Nos.13975 to 13977 of 2014
and
M.P.Nos.1 (3) of 2014

SK(CO)
CA(09/12/2016)



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