

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2016

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI

and

THE HON'BLE MR.JUSTICE K.K. SASIDHARAN

W.P. No.2110 of 2016 and W.M.P. No.1837 of 2016

Sendamizheselvi Souprayanaiker ...Petitioner

Vs.

The Estate Officer
The Executive Engineer
Irrigation Division
Public Works Department
Puducherry

...Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondent to furnish the original final order of eviction passed in respect of the petitioner's structures at No.45, III Cross Street, Rainbow Nagar, Puducherry - 605 011 to her power of attorney agent and afford her such time as may be directed by this Hon'ble Court to pursue her remedies against the order.

For petitioner Mr. Bharatha Chakravarthy
for M/s. Sai Bharath and Ilan

For respondent Mrs. N. Mala
Additional Govt. Pleader - Puducherry

ORDER
(delivered by SATISH K. AGNIHOTRI, J.)

Mrs. N. Mala, learned Additional Government Pleader (Puducherry), accepts notice for the respondent. With consent, the writ petition is taken up for final disposal, at the admission stage itself.

2 This writ petition is filed seeking a writ of mandamus directing the respondent to furnish the original final order of eviction passed in respect of the petitioner's structures at No.45, III Cross Street, Rainbow Nagar, Puducherry - 605 011 to her Power of Attorney agent and afford her such time to pursue her remedies against the said order of eviction.

3 The petitioner's grievance is that she has not been served a proper copy of the notice dated 04 January 2016 issued by the respondent under Section 5-A(2) of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (for short "the Act"), against which she intends to pursue her remedy. According to the learned counsel for the petitioner, the petitioner be permitted to take recourse to the appellate forum under Section 9 of the Act on the basis of a copy of the aforestated notice annexed at page no.9 of the paper book and served on her.

4 Accordingly, we dispose of the writ petition, reserving liberty to the petitioner to take recourse to the appellate forum, if so advised, under the provisions of law, within a period of one week from today, on the basis of the copy of the notice dated 04 January 2016 annexed at page no.9 of the paper book and served on her. Costs made easy. Connected W.M.P. is closed.

sd/-
Assistant Registrar(Cs-VII)

/TRUE COPY/

Sub-Assistant Registrar

cad

To
The Estate Officer
The Executive Engineer
Irrigation Division, Public Works Department
Puducherry

+1 CC to M/s. Sai Bharath and Ilan Advocate. SR.NO.4435
+1 CC to Govt.Pleader cum Public Prosecutor, Pondicherry.
SR.NO.4285

W.P. No.2110 of 2016

CO-GJ
JD 08/02/2016