

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 2.9.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.No.30734 of 2016
and
W.M.P.No.26632 of 2016

V.Djea

Petitioner

Versus

The Commissioner
Oulgaret Municipality Oulgaret
Puducherry-5

Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus calling for the records of the respondent pertaining to his proceedings No.25-1/ JE(SJSRY)/ Rev/Survey/OM/97 dated 04.07.2016 and quash the same and consequently direct the respondent to afford a reasonable opportunity to the petitioner in accordance with law.

For petitioner : Mr.S.Karthik Raja

For Respondent : Mr.M.Govindaraj,
Govt. Pleader (Puducherry)

सत्यमेव जयते
ORDER

(Order of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the petitioner and Mr.M.Govindaraj, learned Government Pleader, who accepts notice on behalf of the respondent.

2. The writ petition has been filed seeking issuance of a writ of certiorarified mandamus calling for the records of the respondent pertaining to his proceedings No.25-1/ JE(SJSRY)/ Rev/Survey/OM/97 dated 04.07.2016 and quash the same and consequently direct the respondent to afford a reasonable opportunity to the petitioner in accordance with law.

3. The petitioner is aggrieved against the eviction notice issued by the respondent in respect of the land in possession and occupation of the petitioner which has been settled by her

husband, in her favour, by way of a settlement deed dated 9.8.2005. The case of the petitioner is that when the land has been settled in her favour in the year 2005 itself, on 21.8.2015, a notice of eviction has been issued against her husband and the impugned order dated 4.7.2016 has been passed as against her husband and she, being the real owner of the land, has not been given opportunity to putforth her case and hence, the present writ petition has been filed.

4. It is not in dispute that as against the impugned order, appeal remedy is available to the petitioner, under section 420 of the Puducherry Municipalities Act, 1973. Therefore, the petitioner shall file an appeal as against the impugned order, before the District Judge concerned, if she is so advised, within a period of fifteen days from the date of receipt of copy of this order. On such appeal being filed, the District Judge concerned shall dispose of the same, after hearing the writ petitioner and the respondent, within a period of two months thereafter. Till then, status quo shall be maintained by the parties. The writ petition is disposed of accordingly. No costs. The connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ssk.

To:

The Commissioner
Oulgaret Municipality Oulgaret
Puducherry-5

सत्यमेव जयते
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1 cc to Mr.K.S.Karthik Raja, Advocate, sr.49884

W.P.No.30734 of 2016

sv co
kra 05.10.2016