

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2016

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.Nos.43703 and 43704 of 2016

Jayakumar .. Petitioner in W.P.No.43703/16
Abdul Sathar .. Petitioner in W.P.No.43704/16

Vs

The Commissioner
Udhagamandalam Municipality,
Municipality Office,
Udhagamandalam,
The Nilgiris. .. Respondent in both WPs

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India seeking a writ of certiorari to call for the records pertaining to the impugned final notice dated 22.06.2016, made in Na.Ka.No.3397/2005/A9, on the file of the respondent and quash the same.

For petitioner in both Wps : Mr.V.Rajesh
For Respondent in both Wps : Mr.P.Srinivas

COMMON ORDER

By way of filing these writ petitions, the petitioners seek to quash the impugned proceedings dated 22.06.2016 of the respondent / the Commissioner, Udhagamandalam Municipality, in and by which, the petitioners were directed to vacate their premises within 15 days.

2. Heard the learned counsel appearing on either side.

3. It is seen that the petitioners have been residing in the present place for the past 30 years and these houses were allotted to them while their parents were working in the Government Hospital, Ooty. These houses built up by the respondent municipality were allotted for the workers of the Government Hospital, Ooty. Whiles, all of a sudden, the respondent municipality issued a notice dated 22.06.2016 directing the petitioners to vacate the premises and they were

further threatened to demolish the house with bulldozer.

4. In a similar circumstance, this Court, by order dated 22.09.2016, passed in W.P.Nos.3177 to 33179 of 2016, directed the petitioners as well as the respondent municipality therein to treat the impugned orders issued therein to the respective petitioners as notices issued under Section 4 of the Tamil Nadu Public Premises (Eviction of Unauthorized Occupants) Act, 1975, and thereafter, the petitioners were directed to give their reply within 10 days.

5. Thus, by following the above said order, this Court directs the petitioners to treat the impugned order as notice issued under Section 4 of the Tamil Nadu Public Premises (Eviction of Unauthorized Occupants) Act, 1975, and the petitioners are further directed to give their reply within 10 days from the date of receipt of a copy of this order. On receipt of such reply, the respondent Municipality 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 by the respondent Municipality, the petitioners' possession shall not be disturbed.

6. With the above directions, the writ petitions are disposed of. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rkm

To
The Commissioner
Udhagamandalam Municipality,
Municipality Office,
Udhagamandalam, The Nilgiris.

+2cc to Mr.V. Rajash, Advocate, S.R.No.76165 & 75949
+1cc to Mr.P. Srinivas, Advocate, S.R.No.76009

ev (CO)
md(18/01/2017)

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