



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.03.2016

CORAM

THE HONOURABLE **MR. JUSTICE B. RAJENDRAN**

W.P.(MD) .No.23377 of 2015

and

M.P. (MD) .No.1 of 2015

M.Gandhi Vel Murugan

... Petitioner

Vs

1.The District Collector,
Madurai District,
Madurai.

2.The Commissioner of Corporation,
Madurai Corporation,
Corporation Office,
Madurai.

3.The Divisional Engineer,
Highways (C&M),
Madurai.

4.The Assistant Engineer,
Tamil Nadu Electricity Board,
K.K.Nagar Unit,
K.K.Nagar,
Madurai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for the issuance of a writ of Mandamus, forbearing the respondents, their officials, Subordinates and servants to disturb or interfere with the Petitioner's business at Madurai-Sivagangai Main Road, near Milk Factory, Madurai by considering the Petitioner's representation, dated 17.12.2015.

For petitioner : Mr.S.M.A.Jinnah

For Respondents: Mr.S.Kumar

Additional Government Pleader

For R1,R3 and R4

**ORDER**

This writ petition has been filed for issuance of Writ of Mandamus forbearing the respondents, their officials, Subordinates and servants to disturb or interfere with the Petitioner's business at Madurai-Sivagangai Main Road, near Milk Factory, Madurai, based on their representation, dated 17.12.2015, submitted in person not otherwise than due process of law.

2. Mr.S.Kumar, learned Additional Government Pleader takes notice for the R1, R3 and R4 and Mr.R.Prabhu Ramachandran, Additional Government Pleader takes notice for R2.

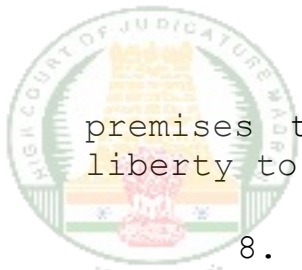
3. The writ petitioner would state that he is a license holder to run a petty shop at Madurai-Sivagangai Main Road, near Milk Factory, Madurai. Initially the license was issued in the year 1990 and during the year 2012, it was transferred to the petitioner's name and it has validity up to 31.03.2016. He has got electricity connection and has been paying electricity charges to his shop. According to him, on 14.12.2015, the employees of respondents 3 and 4 came to his shop they threatened him that they would disconnect the electricity connection and they would evict him without any prior notice.

4. The only grievance of the petitioner is that even though he is running his business without any intervention to the public and the traffic, now, the respondents are asking him to vacate the premises. Therefore, he has submitted a representation on 17.12.2015 to the respondents requesting them not to take any coercive steps. According to the petitioner, if he is vacated, it will cause him irreparable injury, since he is the only bread winner in his family. On 14.12.2015, the respondents orally informed the petitioner that they would disconnect the electricity and would vacate his premises without issuing any notices.

5. The only contention raised by the petitioner is that without issuing any notice, he cannot be evicted.

6. The learned Additional Government Pleader appearing for the respondents would submit that the petitioner has already been intimated to vacate the premises and now, the learned Additional Government Pleader has clearly stated before this Court that they will not disturb the petitioner till 31.03.2016.

7. Taking into consideration of the contentions and submissions of both parties, this court is of the view that the contention of the petitioner in any way does not stand in the scrutiny of law as well as facts, for the reason that the petitioner in one way or the other way is stalling the progress. Hence, this Court grants time to the petitioner only to vacate his



premises till 31.03.2016, failing which the authorities are at liberty to take appropriate action in accordance with law.

8. This Writ Petition stands disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (AE)

/True copy/

Sub Assistant Registrar

To

1.The District Collector,
Madurai District,
Madurai.

2.The Commissioner of Corporation,
Madurai Corporation,
Corporation Office,
Madurai.

3.The Divisional Engineer,
Highways (C&M),
Madurai.

4.The Assistant Engineer,
Tamil Nadu Electricity Board,
K.K.Nagar Unit, K.K.Nagar, Madurai.

+1 CC to Mr.S.M.A.JINNAH, Advocate, SR No.13685

+1 CC to Mr.R.PRABHU RAMACHANDRAN, Advocate, SR No.13320

W.P(MD) .No.23377 of 2015 and
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09.03.2016

PJL

SH/SK-SKN:28.03.2016:3P/7C