



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.10.2016

CORAM :

THE HONOURABLE DR.JUSTICE S.VIMALA
and
THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P (MD) No.19789 of 2016
and
W.M.P (MD) No.14283 of 2016

R.Narayanan

... Petitioner

vs.

1)The District Collector,
Thoothukudi District,
Thoothukudi.

2)The Revenue Divisional Officer,
Thoothukudi.

3)The Tahsildar,
Thoothukudi.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 3rd respondent to pass orders on the petitioner's explanation dated 12.09.2016 pursuant to the eviction notice issued by the 3rd respondent in Na.Ka.A3/6325/16 dated 06.09.2016 and further directing the respondents not to evict him except under due process of law.

For Petitioner : Mr.R.Balakrishnan
For Respondents : Mr.R.Karthikeyan,
Additional Government Pleader

ORDER

(Order of the Court was made by S.VIMALA, J)

The petitioner has been issued with a notice to show cause as to why he should not be evicted from the property in T.S.No.447/3, Meelavitan Part-II Village, Thoothukudi Town and Thoothukudi Taluk and he has also been called upon to submit his objection, if any, within a period of one week and this notice has been issued on 12.09.2016.



2.The facts leading to the issuance of the show cause notice run as under:-

The petitioner is doing Hotel business in the name and style of 'Bye Pass Hotel'. The property in T.S.No.447/3 at Tuticorin Town and Taluk measuring an extent of 100 sq.mts was originally in occupation of one Selvaraj S/o. Mookkandi Nadar for more than 20 years. Thereafter, Mookkandi Nadar handed over the property to the petitioner and for the past 32 years, the petitioner is in possession and enjoyment of the same and he is running a Hotel therein and also regularly paying B Memo tax. The electricity connection stands in the name of the predecessor of the petitioner, namely, Selvaraj and the petitioner is also paying electricity charges. It is his grievance that his livelihood and livelihood of 15 persons working in the said Hotel are also in the hands of the respondents now.

3.Claiming that this property is required for a Project of laying a pipeline, the 3rd respondent has issued a notice to the petitioner calling upon the petitioner to vacate from the abovesaid property, for which, the petitioner has submitted his explanation dated 04.11.2015. As his explanation is not considered so far, this Writ Petition has been filed seeking a direction to the respondents to consider the explanation submitted.

4.The learned Additional Government Pleader appearing for the respondents would submit that the property in question is an obstacle not only for laying pipeline, but also for other expansion project of the Government and therefore, necessarily, the petitioner has to vacate the premises, especially, when legal action has been taken and legal notice has been issued.

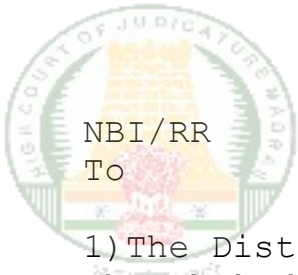
5.The learned counsel for the petitioner would submit that the petitioner is also earnestly searching for an alternative place and reasonable time may be given to the petitioner to vacate the premises. He would further submit that an Undertaking Affidavit dated 14.10.2016 has also been filed by the petitioner undertaking to vacate the property in question within a period of two months. The said undertaking is placed on record.

6.Recording the affidavit of undertaking and the submissions made on both sides, this Writ Petition is disposed of directing the petitioner to vacate the premises on or before 13.12.2016. No costs. Consequently, W.M.P(MD)No.14283 of 2016 is closed.

sd/-

Assistant Registrar (AS)

/True Copy/



NBI/RR
To

1) The District Collector,
Thoothukudi District,
Thoothukudi.

2) The Revenue Divisional Officer,
Thoothukudi.

3) The Tahsildar,
Thoothukudi.

+1CC to Mr.R.Balakrishnan, Advocate Sr.No.60839

+1CC to Spl.Government Pleader Sr.No.60791

GJM/DB/30/11/16-3p-6C

W.P (MD) No.19789 of 2016
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