

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2017

CORAM

THE HON'BLE MR.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE
AND

THE HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.No.4282 of 2017

A.Mohamad Sathik

...Petitioner

Vs.

1. The District Collector
Thiruvallur District
Thiruvallur.

2. The Commissioner
Poonamallee Municipality
Poonamallee, Chennai - 56.

...Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Certiorari calling for the records of the 2nd respondent vide his proceedings Na.Ka.No.1431/2016/F1, dated 14.2.2017 and quash the same as illegal and without jurisdiction.

For Petitioner : Mr.I.Paranthamen

For Respondents : Mr.M.K.Subramanian
Government Pleader
for 1st respondent

Mr.R.Sivakumar
for 2nd respondent

ORDER
(Order of the Court was made by the Acting Chief Justice)

Heard Mr.M.K.Subramanian, learned Government Pleader, who took notice for the first respondent and Mr.R.Sivakumar, learned counsel, who took notice for the second respondent.

2. Calling into question the proceedings issued by the

second respondent dated 14.2.2017 directing the petitioner to vacate the premises within seven days, the present writ petition is filed on the plea that the petitioner is the owner of the premises and is residing there for several decades. It is claimed that the petitioner is paying property tax and had obtained service connection. It is his further plea that the area is a fully developed and not a water body as claimed by the respondents and moreover, the second respondent is not a competent authority to initiate the proceedings. He further pleads that pursuant to the eviction notice, the petitioner submitted an explanation on 15.2.2017 and the same may be directed to be considered before eviction is effected, which according to the petitioner is scheduled on 22.2.2017.

3. Considering the plea of the petitioner that pursuant to the eviction notice issued by the respondent/authorities he had submitted explanation on 15.2.2017, we direct the respondent/authorities to consider the same and pass appropriate orders in accordance with law within fifteen days from the date of receipt of a copy of this order. Till such time an order is passed by the respondent/authorities, there shall be an order of status quo.

The petition stands disposed of accordingly. No costs. Consequently, W.M.P.No.4479 and 4480 of 2017 is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sasi

To

1. The District Collector
Thiruvallur District
Thiruvallur.
2. The Commissioner
Poonamallee Municipality
Poonamallee, Chennai - 56.

+1cc to Mr.Paranthaman, Advocate, S.R.No.10968
+1cc to Mr.Siva kumar, Advocate, S.R.No.10988
+1cc to the Government Pleader, S.R.No.11186

RSY (CO)
RS (01/03/2017)

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