

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.05.2017

CORAM:

THE HONOURABLE Mr.JUSTICE N.KIRUBAKARAN

Writ Petition Nos.11297 to 11303 of 2017
and

W.M.P. Nos.12218 to 12231 of 2017

D.Prabha ..Petitioner in W.P.No.11297/17
A. Barnabass Reeta ..Petitioner in W.P.No.11298/17
D. Nelson Jagadeesh ..Petitioner in W.P.No.11299/17
A.M.Amirtharaj ..Petitioner in W.P.No.11300/17
Shanthi Kalaiselvan ..Petitioner in W.P.No.11301/17
Lima Roselind Ligori ..Petitioner in W.P.No.11302/17
Albert Pushpanathan ..Petitioner in W.P.No.11303/17

Vs.

The Commissioner,
Udhagamandalam Municipality
Udhagamandalam,
The Nilgiris District. ...Respondent in all WPs.

Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari calling for the entire records relating to the impugned notice issued by the respondent in Na.Ka. No.1895/2017/A9, dated 17.04.2017 and quash the same.

For petitioner : Ms.T.Kokilavane
in all W.Ps.

For Respondent : Mr.P.V.Selvakumar,
in all W.Ps. Additional Government Pleader.

C O M M O N O R D E R

The petitioners are in occupation of tenements, belonging to the respondent Municipality. According to them, their ancestors were allotted the respective quarters during the British reign

and thereafter, they have been occupying the properties in tenements without any problem. However, by order dated 17.04.2017, the respondent Municipality called upon the petitioners to vacate the premises within 15 days from the date of receipt of the copy of the Order. The said Order is being challenged by the respective petitioners.

2. Heard the learned counsel appearing for the petitioners and Mr.P.V.Selvakumar, learned Additional Government Pleader who would take notice on behalf of the respondent.

3. In similar matters, this Court in Writ Petition Nos.28053 to 28060 of 2016, by order dated 11.08.2016, directed the petitioners to treat the impugned eviction notice as a notice issued under Section 4 of the Tamil Nadu Public Premises (Eviction and Unauthorised Occupants) Act, 1975 and give a reply within 10 days and thereafter, the respondent shall pass orders, within a period of six weeks.

4. Admittedly, the petitioners have not been given show cause notice. Therefore, the impugned notice of eviction should be treated as a notice issued under Section 4 of the Tamil Nadu Public Premises (Eviction and Unauthorised Occupants) Act, 1975. Under Section 4(2) (b) of the Act, 10 days time is granted to the petitioners, to give reply to the impugned notice from today. On such reply being received by the respondent from the petitioners, the respondent is directed to consider the reply and pass orders, on merits as per law, under Section 5 of the Act, within a period of six weeks thereafter.

5. Till such an order is passed under Section 5 of the Act by the respondent, the respective petitioners possession of the tenements shall not be disturbed.

The writ Petitions are disposed of accordingly, No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

vsi2/sms

To

The Commissioner,
Udhagamandalam Municipality
Udhagamandalam, The Nilgiris District.

+ 7 ccs to Mrs. T. Kokilavane, Advocate Sr.36560

Writ Petition Nos.11297 to 11303 of 2017
and
W.M.P. Nos.12218 to 12231 of 2017

SR(CO)
Eu 3.5.17



WEB COPY