

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **22.03.2017**

CORAM:

THE HONOURABLE MR.**JUSTICE K.K.SASIDHARAN**

**C.R.P.(P.D.) No.444/2015**

Thirumal Nagar Welfare Association,  
rep. By its Secretary : Petitioner  
versus

1.The Commissioner,  
Puducherry Municipality,  
Puducherry

2.The Assistant Engineer II,  
Puducherry Municipality,  
Puducherry : Respondents

**PRAYER:** Revision filed against the order dated 24.9.2014, in M.A.No.1/2013 on the file of the Principal District Judge, Puducherry.

For petitioner :: No appearance

For respondents :: Mrs.N.Mala

**ORDER**

This civil revision petition is directed against the order dated 24 September 2014 in M.A.No.1 of 2013, setting aside the order dated 3 September 2012 and directing the Commissioner, Puducherry Municipality, to serve Form B Notice on the petitioner within ten days and thereafter, complete the proceedings in accordance with law.

2. None appears on behalf of the petitioner.

3. Heard the learned counsel for Puducherry Municipality.

4. The Puducherry Municipality initiated proceedings under Section 415 (1) of the Pondicherry Municipalities Act, 1983, calling upon the petitioner to show cause as to why an order of eviction should not be made. The petitioner submitted objection to the Form-A Notice contending that the land in question does not belong to the municipality. The Commissioner, on consideration of the explanation given by the petitioner, passed an order of eviction dated 9 August 2012. The said order was challenged before the learned Principal District Judge, Puducherry.

5. The learned District Judge found that the order dated 3 September 2012 does not contain any specific reasons and according to the learned Judge, the issue requires fresh consideration by the Commissioner, Puducherry Municipality. The matter was accordingly remanded back to the Puducherry Municipality for taking further action by following the mandatory provisions under Section 416(1) of the Act.

6. I have perused the order passed by the learned District Judge and the documents available on record.

7. The learned Principal District Judge rightly upheld the show cause notice dated 25 July 2012. The order is unassailable. The interest of the petitioner is protected by remitting the matter to the 1<sup>st</sup> respondent for fresh consideration. There is no adverse order passed against the petitioner on account of the direction given to consider the matter afresh, taking into consideration the provisions of Section 416(1) of the Pondicherry Municipality Act. I am therefore of the view that there is absolutely no merit in the contention taken by the petitioner.

8. In the upshot, I dismiss the civil revision petition. No costs. Consequently, M.P.No.1 of 2015 is also dismissed.

**22.03.2017**

Index:Yes/no  
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To  
The Principal District Judge, Puducherry.

**K.K.SASIDHARAN, J.**

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