

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.10.2017

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.26136 of 2017
and W.M.P.No.27773 of 2017

Kaadai Eshwara Cable,
A registered partnership firm
Represented by its partner Mr.R.Elango ...Petitioner

Vs

1. The Commissioner,
Coimbatore City Municipal Corporation,
Coimbatore 641 001.
2. The City Engineer,
Coimbatore City Municipal Corporation,
Coimbatore 641 001.
3. The District Collector,
Coimbatore District,
Coimbatore 641 018. ...Respondents

Writ petition is filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari calling for the records in the order bearing Na.Ka.No.CCMC Sirappu 1/2017/Cable/TP, dated 28.09.2017 passed by respondent No.2 and quash the same.

For Petitioner : M/s.M.Radhakrishnan
For RR1 & 2 : Mr.S.Saravanan
For R3 : Mr.O.Selvam, G.A.

O R D E R

The petitioner has come forward with this petition to call for the records in the order bearing Na.Ka.No.CCMC Sirappu 1/2017/Cable/TP, dated 28.09.2017 passed by the 2nd respondent and quash the same.

2. When the matter is taken up for hearing, it is represented by the learned counsel for the respondents that since the petitioner has not removed cables unauthorisedly installed, the officials of the respondents have removed the same and kept it in the safe custody of the Corporation.

3. The contention of the petitioner is that only the Commissioner has got power to initiate action and the impugned order passed by the second respondent is liable to be interfered with on that ground.

4. It seems that the cables have been removed and the petitioner's applications on 19.09.2017 and 23.09.2017 have not been disposed of and the said representations were not referred to in the impugned order.

5. It is represented by the learned counsel for the respondents that no applications have been given, and they are only representations. Hence, it is open to the petitioner to submit an application in proper format and if any defects are pointed out, the same can be rectified and the request of the petitioner may be considered in accordance with law and appropriate orders may be passed with 15 days from the date of receipt of a copy of the said application, after hearing the petitioner. On the day fixed for hearing, if the petitioner fails to appear with records, it is open to the respondents to pass appropriate orders, recording the absence and in such event, the petitioner cannot plead that the opportunity being heard was not given.

6. The writ petition is disposed of with the above observations and directions. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

pvs

To

1. The Commissioner, Coimbatore City Municipal Corporation, Coimbatore 641 001.
 2. The City Engineer, Coimbatore City Municipal Corporation, Coimbatore 641 001.
 3. The District Collector, Coimbatore District, Coimbatore 641 018.
- + 1 cc to Mr. O. Selvam, Advocate SR.73123
+ 1 cc to Mr. S.Saravanan, Advocate Sr.73131
+ 1 cc to Government Pleader SR.73381

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MSM(CO)

EU(31/10/2017)