

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.08.2017

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.23589 of 2004 and
W.M.P.No.28562 of 2004

B.Ramamoorthy

... Petitioner

Vs.

1.The District Collector,
Vellore District, Vellore.

2.The Divisional Engineer,
Highways & Rural Works Department,
Vellore.

3.The Commissioner,
Vellore Municipality, Vellore.

... Respondents

Prayer: Petition filed under Article 226 of The Constitution of India to issue a Writ, Order or Direction, in the nature of a Writ, more specifically a Writ of Mandamus forbearing the respondents from in any manner evicting or removing the Bunk of the Petitioner in front of Municipal Office at Cuddalore-Chittoor Road, Vellore, without allotting alternate site to the petitioner.

For Petitioner : Ms.K.N.Shanthi
for Mr.K.S.Natarajan

For Respondents : Mr.A.Zakkir Hussain
Government Advocate for R1 & R2

ORDER

The petitioner approached this court forbearing the respondents from in any manner evicting or removing the bunk shop without allotting the alternate site to the petitioner in front of Municipal Office at Cuddalore-Chittoor Road, Vellore.

2.Head both sides.

3.The petitioner on an earlier occasion approached this Court by way of W.P.No.7884 of 1997 and this Court by an order dated 23.12.1999 has issued the following direction:

"It is made clear that it is open to the petitioner to identify suitable and un-

objectionable areas or places to install their bunk-shops and to give necessary representation or applications to the 2nd respondent mentioning the places for erecting their bunks. If any such application or representation is directed to inspect those areas and if he satisfies that the areas or places selected by the petitioner will not give hindrance to maintain hygienic condition free flow of traffic, their requests may be considered favourably and necessary orders passed within a period of two weeks from the date of receipt of their application or representation".

4. After receipt of the said order, the petitioner made a representation to the authorities on 28.01.2000 along with a copy of the order. Though, the earlier order is in operation, the very same prayer is made in this writ petition also.

5. Now, the learned counsel for the petitioner would submit that the limited issue raised in the writ petition prayer for directing the respondents to dispose of the representation made by the petitioner on 28.01.2000.

6. On perusal of the records, this court has passed an interim order in this writ petition on 16.08.2004 and subsequently extended the interim order until further orders.

7. Considering the request made by the learned counsel for the petitioner, a direction is issued to the respondents to dispose of the representation made by the petitioner within a period of six weeks

from the date of receipt of a copy of this order. Petitioner is also directed to send the copy of the earlier order and representation made by him once again to enable the respondents to consider the same and pass final order. Interim order granted by this Court is to continue for a further period of six weeks.

8. With the above direction, this writ petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

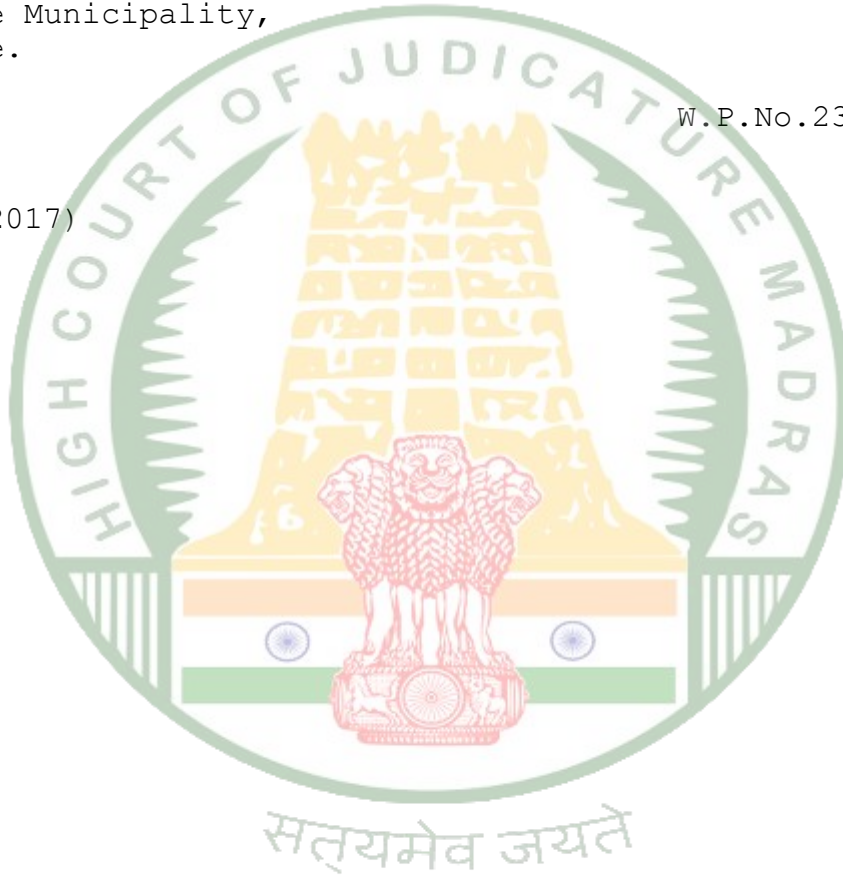
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To

- 1.The District Collector,
Vellore District,
Vellore.
- 2.The Divisional Engineer,
Highways & Rural Works Department,
Vellore.
- 3.The Commissioner,
Vellore Municipality,
Vellore.

W.P.No.23589 of 2004

SJ(CO)
GN(11/09/2017)



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