



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.11.2015

CORAM:

WEB COPY

THE HONOURABLE Mr.JUSTICE K.RAVICHANDRA BAABU

W.P. (MD)No.16545 of 2015

and

M.P. (MD)No.1 of 2015

P.Raju

... Petitioner

Vs.

1.The District Collector,
Collectorate,
Ramanathapuram District.

2.The Special Deputy Collector (Rehabilitation),
Mandapam Camp,
Ramathapuram District.

3.The Joint Director,
Medical Services,
Govt.Head Quarters Hospital,
Ramanathapuram 623 501.

... Respondents

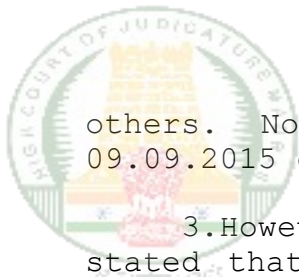
PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent not to vacate the petitioner from the residence in Door No.18/3, Government Quarters, Mandapam Camp as per order of this Court in W.P.(MD)No.12957 of 2015, on the petitioner's petition dated 16.07.2015 and to treat the petitioner at par with other occupants in the said Government Quarters at Mandapam Camp.

For Petitioner : Mr.S.Radhakrishnan
For Respondent : Mr.A.Muthukaruppan, AGP

O R D E R

This Writ petition has been filed, seeking for issuance of a Writ of Mandamus, directing the 1st respondent not to vacate the petitioner from the residence in Door No.18/3, Government Quarters, Mandapam Camp.

2.It is seen that the petitioner has already approached this Court on several occasions in respect of the very same issue. When he filed last Writ petition in W.P.(MD)No.12957 of 2015, seeking for issuance of a Writ of Mandamus, directing the respondent therein to permit him to occupy the house for the period 2015 - 2016 on payment of monthly rent, this Court by an order dated 29.07.2015 directed the District Collector, Ramanathapuram to consider the petitioner's representation dated 16.07.2015 and pass orders on merits and in accordance with law within 3 weeks. It is also further directed therein that till passing of orders in the said representation, the petitioner shall not be evicted. It is also made clear therein that the said order shall not be a precedent for



others. Now the present Writ petition is filed by the Writ petitioner on 09.09.2015 once again seeking for a mandamus as stated supra.

3. However, in the counter affidavit filed by the 2nd respondent it is stated that in pursuant to the order passed by this Court in W.P.(MD) No.12957 of 2015, the petitioner's representation dated 16.07.2015 was considered and rejected by an order dated 10.09.2015 and the same was served on the petitioner on 14.09.2015.

4. The learned Additional Government Pleader appearing for the respondents further submitted that after such an order is passed, the petitioner was also evicted from the said premises. The said submission is disputed by the learned counsel for the petitioner stating that 50% of the articles belonging to the petitioner is still inside the house, which is kept under lock and key by the respondents.

5. Considering the fact that this Court has already directed the respondents to consider the representation of the petitioner and pass orders on merits and in accordance with law and also considering the fact that the District Collector has already passed an order dated 10.09.2015, rejecting the request of the petitioner, it is for the petitioner to challenge the said order in the manner known to law and when such being the position, the present Writ petition that too seeking for a mandamus as stated supra, cannot be maintained any further.

6. Therefore, without expressing any view on the merits of the claim made by the petitioner, this Writ petition is disposed of only by granting liberty to the petitioner to challenge the order passed by the 1st respondent dated 10.09.2015 in the manner known to law.

Consequently, connected M.P. is closed. No costs.

Sd/-

Assistant Registrar (T & P)

/True Copy/

Sub Assistant Registrar.

To

1. The District Collector,
Collectorate,
Ramanathapuram District.

2. The Special Deputy Collector (Rehabilitation),
Mandapam Camp,
Ramanathapuram District.

3. The Joint Director,
Medical Services,
Govt. Head Quarters Hospital,
Ramanathapuram 623 501.

+1CC to Mr. S. Radhakrishnan, Advocate, SR.No. 64285.

W.P. (MD) No. 16545 of 2015
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