



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.09.2017

CORAM:

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P(MD) No.2143 of 2017 and
W.M.P. (MD) No.1777 of 2017

P.Sekar

... Petitioner

-VS-

1. The District Collector,
Sivagangai District,
Sivagangai.
2. The Tahsildar,
Sivagangai Taluk,
Sivagangai District.
3. The Commissioner,
Sivagangai Panchayat Union,
Sivagangai District.
4. The President,
Keelavaniyangudi Village Panchayat,
Sivagangai District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents from evict the petitioners Tea Stall situated in front of the Government Medical College Hospital Sivagangai in S.No. 63-A1 of Melavaniyangudi Village Group, Sivagangai Taluk, Sivagangai District.

For Petitioner : Mr.V.Kannan
For Respondents : Mr.J.Gunaseelan Muthiah
Govt. Advocate

O R D E R

This writ petition has been filed, seeking a direction to the respondents from evicting the petitioner's Tea Stall situated in front of the Government Medical College Hospital, Sivagangai in S.No. 63-A1 of Melavaniyangudi Village Group, Sivagangai Taluk, Sivagangai District.

2. The case of the petitioner is that he was permitted to run a Tea Stall in front of the Sivagangai Government Medical College, by the 4th respondent through a resolution dated 05.01.2015. While so, all of a sudden, the 2nd respondent and his subordinate officials inspected his Tea Stall and asked the petitioner to vacate



the premises within 15 days. It is the further case of the petitioner that when the other adjacent shop owners were permitted to continue their business operations in the very same locality without any hindrance, the act of the respondents preventing the petitioner alone is nothing, but *mala fide* exercise of power. The representation dated 16.01.2015, submitted by the petitioner in this regard did not evoke any response and the same has been kept pending without passing any orders. Hence, the petitioner is before this Court with the above prayer.

3. At this juncture, learned Government Advocate appearing for the respondents would submit that if a reasonable time is granted to the respondents 2 & 3, the representation of the petitioner will be considered and suitable orders passed on the same.

4. Considering the facts and circumstances of the case, this Court, without going into the merits of the matter, directs the respondents 2 and 3 to consider the representation of the petitioner dated 16.01.2015 and pass suitable orders thereon within a period of four weeks from the date of receipt of a copy of this order, after providing an opportunity of hearing to the petitioner. It is needless to mention here that till passing such orders, no coercive steps shall be taken by the respondents to evict the petitioner from the premises. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To:

1. The District Collector,
Sivagangai District,
Sivagangai.
2. The Tahsildar,
Sivagangai Taluk,
Sivagangai District.
3. The Commissioner,
Sivagangai Panchayat Union,
Sivagangai District.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No.77335

+1cc to Mr.V.KANNAN Advocate in SR. No. 76726

AR/RM

JS/KP/SAR.2/13.09.2017/2P-6C