



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.07.2017

CORAM:

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P (MD) No. 14537 of 2016

and

W.M.P (MD) Nos. 10799 to 10801, 11998 and 11999 of 2016

M. Vasanthi

.. Petitioner

Vs.

1. The District Collector,
Dindigul District, Dindigul.
2. The Superintendent of Police,
Dindigul District, Dindigul.
3. The Executive Officer,
Town Panchayat, Batlagundu,
Dindigul District.
4. The Inspector of Police,
Batlagundu Police Station,
Batlagundu, Dindigul District.
5. The President,
Town Panchayat,
Batlagundu, Dindigul District.
6. Sekar, Maistry,
Town Panchayat,
Badlagundu Union,
Nilakkottai Taluk, Dindigul District.
7. Velumani,
Vatthalpatti,
Nadakottai Panchayat,
Badlagundu Union,
Nilakkottai Taluk, Dindigul District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the first and second respondents to instruct the third to fifth respondents to take immediate steps to evict the unauthorized occupants, the sixth and seventh respondents herein of the daily market toilet situated at Badlagundu and restore the possession of the same to the petitioner, the tender holder and lawful occupant, based on representation of the petitioner dated 24.06.2016.



For Petitioner : Mr.R.Murugan
For Respondents 1, 2 & 4 : Mr.S.Kumar,
Additional Government Pleader.
For Respondent No.3 : Mr.C.Venkatesh Kumar
for M/s.Ajmal Associates.
For Respondents 5 to 7 : No appearance

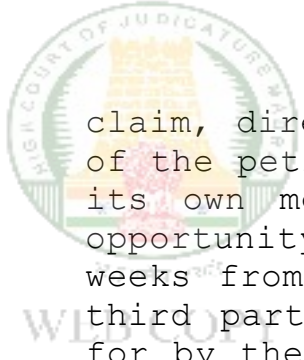
ORDER

This writ petition is filed seeking a writ of Mandamus to direct the respondents 1 and 2 to instruct the third to fifth respondents to take immediate steps to evict the unauthorized occupants, namely, the sixth and seventh respondents from the daily market toilet situated at Badlagundu and restore the possession of the same to the petitioner, based on the representation of the petitioner dated 24.06.2016, within the time stipulated by this Court.

2.The case of the petitioner is that he is the lessee of Badlagundu Daily Market Toilet for a period of three years with effect from 16.04.2011. As per G.O.Ms.No.92, dated 03.07.2007, the petitioner requested the third respondent to extend the lease period for further three years, at the rate of 15% enhanced rent. Since, the same has not been extended, he filed a suit in O.S.No.42 of 2014 before the District Munsif Court, Nilakkottai and on the strength of permanent injunction granted in the suit, he remitted the enhanced rent for the period 2015-2016. Against the said order, the respondents 3 and 5, who have been arrayed as defendants 1 and 2 in the suit, filed an appeal before the Additional Sub Court, Dindigul and the same was allowed. Against which, the petitioner filed C.R.P(MD)No.2462 of 2015 and got an order of interim stay. Since, the third respondent returned the lease rent given by the petitioner and the respondents 3 and 5, forcibly evicted him on 22.06.2016, he made various representations to the authorities. Since, the same have not been considered so far, the petitioner is before this Court.

3.Today, when the matter is taken up for hearing, the learned counsel appearing for the petitioner confines his prayer only to direct that the representation dated 24.06.2016 be considered by the first respondent, for which, the learned Additional Government Pleader appearing for the respondents 1, 2 and 4, has no serious objection.

<https://hcservices.ecourts.gov.in/hcservices/>
Considering the limited scope of the relief sought for, this Court, without going into the merits of the petitioner's



claim, directs the first respondent to consider the representation of the petitioner dated 24.06.2016, and pass appropriate orders on its own merit and in accordance with law, after affording due opportunity of hearing to the petitioner, within a period of six weeks from the date of receipt of a copy of this order. If any third party will be affected by the nature of the relief sought for by the petitioner or by any order to be passed, the authority shall hear such person to avoid the allegations of violation of principles of natural justice.

5.The writ petition is disposed of as above. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(AD-II)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Dindigul District, Dindigul.
2. The Superintendent of Police,
Dindigul District, Dindigul.
3. The Executive Officer,
Town Panchayat, Batlagundu,
Dindigul District.
4. The Inspector of Police,
Batlagundu Police Station,
Batlagundu, Dindigul District.
5. The President,
Town Panchayat,
Batlagundu, Dindigul District.

+1cc to M/s.Ajmal Associates Sr.No.68473
+1cc to Mr.R.Murugan, Advocate Sr.No.68802
+1cc to The Spl.Government Pleader SR.No.69022

SMN

VB/SKN/RSK/SAR2/03.08.2017/3P/9C

ORDER MADE IN
W.P(MD)No.14537 of 2016
and
W.M.P (MD) Nos.10799 to 10801, 11998 and 11999 of 2016
27.07.2017