



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 28.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM
and
THE HONOURABLE MR.JUSTICE N.AUTHINATHAN

W.P(MD)No.5392 of 2017
and
W.M.P(MD)Nos.4321 and 4322 of 2017

Subramanian .. Petitioner

Vs.

1.The Commissioner,
Karaikudi Municipality,
Karaikudi, Sivagangai District.

2.The Special Officer/Municipality Council,
Karaikudi Municipality,
Sivagangai District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records connected with impugned final notice in Na.Ka.No.1356/2013/F2 dated 15.02.2017 on the file of the first respondent and quash the same as illegal, consequently to direct the first respondent for not to evict the petitioner from his dwelling house in Door No.22/4 (mentioned in the impugned notice as 23A1), Navalar Street, Kalaigar Salai, Anna Nagar, Karaikudi, Sivagangai District till the disposal of the appeal filed by the petitioner dated 23.03.2017 by the second respondent.

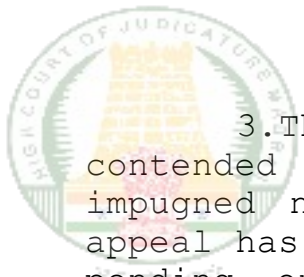
For Petitioner : Mr.R.Alagumani
For Respondents : Mr.P.Mahendran,
Standing Counsel.

ORDER

[Order of the Court was made by A.SELVAM, J.]

This writ petition has been filed under Article 226 of the Constitution of India praying to call for records relating to the final notice dated 15.02.2017 passed in Na.Ka.No.1356/2013/F2 by the first respondent and quash the same, by way of issuing a writ of certiorarified mandamus.

<https://hcservices.ecourts.gov.in/hcservices> 2.Mr.P.Mahendran, learned Standing Counsel, has taken notice for the respondents.



3.The learned counsel appearing for the petitioner has contended to the effect that immediately after receipt of the impugned notice dated 15.02.2017 from the first respondent, an appeal has been preferred to the first respondent, but the same is pending on his file and now the first respondent has made arrangements to demolish the dwelling house of the petitioner and under the said circumstances, the present writ petition has been filed.

4.The learned standing counsel appearing for the respondents has contended to the effect that the petitioner has given only a representation and he has not preferred any appeal and therefore the relief sought in the writ petition cannot be granted.

5.On the basis of the divergent submissions made on either side, it is made clear that after receipt of notice dated 15.02.2017, the petitioner has given a representation to the first respondent and the same can be treated as an appeal. Since an appeal petition is pending on the file of the first respondent, this Court is inclined to pass the following order.

6.In fine, the first respondent is strictly directed to dispose of the appeal preferred by the petitioner within a period of fifteen days. With the above observation, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

sd/
Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

- 1.The Commissioner,
Karaikudi Municipality,
Karaikudi, Sivagangai District.
 - 2.The Special Officer/Municipality Council,
Karaikudi Municipality,
Sivagangai District.
- +1cc to M/S.P.Mahendran, Advocate SR.No.18643

ORDER MADE IN
W.P (MD) No.5392 of 2017
and
W.M.P (MD) Nos.4321 and 4322 of 2017
28.03.2017