



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.05.2017

CORAM:

THE HONOURABLE Mr.JUSTICE M.V.MURALIDARAN

W.P. (MD) No.9938 of 2017

and

W.MP (MD) .No.7611 of 2017

Nagalingam(Vice President)

... Petitioner

Vs.

1. The Commissioner,
Tuticorin Corporation,
Tuticorin.

2. The Member Secretary,
Tuticorin Local Planning Committee,
No.51, West Car Street,
Tuticorin.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a writ of mandamus, directing the 2nd respondent to remove the lock and seal made by the 2nd respondent on 13.05.2017 in the premises of "Abi Fancy Babi and Abi Ladies Choice shops" in T.S.No.35/1A & 1B, West Car Street, Tuticorin and also permit the petitioner to remove the alleged unauthorized constructions if any in the above said premises shop in the presence of the Court Commissioner or responsible officer of the Corporation.

For Petitioner : Mr.K.Baalasundharam

For Respondents : Mr.A.Muthukaruppan

Additional Government Pleader.

O R D E R

The petitioner seeks for a Writ of Mandamus to direct the second respondent to remove the lock and seal made by the second respondent on 13.05.2017 in the premises of "Abi Fancy Babi and Abi Ladies Choice shops" in T.S.No.35/1A & 1B, West Car Street, Tuticorin and also permit the petitioner to remove the alleged unauthorized constructions if any in the above said premises shop in the presence of the Court Commissioner or responsible officer of the Corporation.



2. The learned Additional Government Pleader takes notice for the respondents. By consent, the writ petition itself is taken up for final disposal.

3. The learned counsel for the petitioner submitted that it would suffice if the representation of the petitioner is directed to be disposed of, on merits and in accordance with law, within a time frame to be fixed by this Court.

4. Without going into the merits of the matter, in view of the limited prayer that has been sought for by the petitioner, the respondents are directed to consider the petitioner's representation dated 13.05.2017 on merits and in accordance with law. Since the petitioner undertakes to remove the unauthorized encroachment if any, as pointed out by the respondents, the respondents are directed to remove the lock and seal within a period of one week from the date of receipt of a copy of this order and after removal of the same, the petitioner is permitted to rectify the unauthorized encroachment if any, within a period of four weeks thereafter.

5. With the above direction, the Writ Petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

+1cc to Mr.K.Baalasundharam, Advocate Sr.No.57303

+1cc to The Spl.Government pleader Sr.No.57892

ns/ls/vsa

vb/rr/sar2/01.06.2017/2p/3c

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