



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P (MD) No.21590 of 2016

Swaminathan

.. Petitioner

Vs.

1.The Commissioner,
Trichy Corporation, Trichy.

2.The Assistant Commissioner,
Co-Abhishekapuram Division,
Trichy Corporation, Trichy.

3.The Chief Town Planning Engineer,
Trichy Corporation, Trichy.

4.The Assistant Engineer (Town Planning),
Co-Abhishekapuram Division,
Trichy Corporation, Trichy.

5.B.Selvakumar

6.M.Loganathan

7.Selvam

8.N.Prabhakaran

9.Shanmugam

10.Karthi

11.Irudhayasamy

12.M.Vishwanathan

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus forbearing the respondents 1 to 4 from interfering into the business of petitioner's Market namely Anna Sandhai situated in lands to an extent of about 0.88 Acre 1/2 cents comprised in Patta No.440, situated in Survey No.33/2, Uyyakondan Thirumalai Village, Co-Abishekapuram Division, Trichy City, by considering petitioner's representation dated 25.10.2016.

For Petitioner

: Mr.K.Sivabalan

For Respondents 1 to 4 : Mr.N.S.Karthikeyan

ORDER

This writ petition is filed seeking a writ of Mandamus to direct the respondents not to interfere with the business of the petitioner's Market, namely, Anna Sandhai situated in Survey No.33/2, Uyyakondan Thirumalai Village, Co-Abishekapuram Division, Trichy City, based on the petitioner's representation dated 25.10.2016, within the time stipulated by this Court.

2.Mr.N.S.Karthikeyan, learned counsel, takes notice for the respondents 1 to 4. In view of the nature of the relief sought for by the petitioner, notice to the respondents 5 to 12 is dispensed with.

3.By consent of both the parties, this writ petition is taken up for hearing at the stage of admission itself.

4.Heard both sides.

5.The case of the petitioner is that the petitioner along with one Murugesan and Manimaran are running market under the name and style of 'Anna Sandhai' in the property situated in Survey No.33/2, Uyyakondan Thirumalai Village, Co-Abishekapuram Division, Trichy City, after paying necessary fee. The said property was leased out by one Sivagamasundrari to the petitioner and others. Now, at the instigation of the respondents 5 to 12, the Corporation authorities disturbed them. Therefore, the petitioner is before this Court.

6.The learned counsel for the petitioner would submit that it would suffice, if the representation of the petitioner dated 25.10.2016, is disposed of by the first respondent as per law.

7.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 25.10.2016, 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.

8.The writ petition is disposed of as above. No costs.

Sd/-

Assistant Registrar(Protocol)



1.The Commissioner,
Trichy Corporation, Trichy.

2.The Assistant Commissioner,
Co-Abhishekapuram Division,
Trichy Corporation, Trichy.

3.The Chief Town Planning Engineer,
Trichy Corporation, Trichy.

4.The Assistant Engineer (Town Planning),
Co-Abhishekapuram Division,
Trichy Corporation, Trichy.

+1CC to Mr.K.Sivabalan, Advocate, SR.No. 69569

ORDER MADE IN
W.P(MD)No.21590 of 2016

smn
AM/MR KKR/SAR 2/09.08.2017/3P/6C