

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2018

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE P.RAJAMANICKAM

W.P.No.10793 of 2018
and
W.M.P.No.12735 of 2018

A.Saleem Durani ... Petitioner

Versus

The Commissioner,
Mayiladuthurai Municipal Corporation,
Mayiladuthurai. ... Respondents

PRAYER:- Writ petition filed under Article 226 of the Constitution of India prays to issue a Writ of Mandamus, directing the respondent to consider the representation dated 20.03.2018 on merits by affording an opportunity to the petitioner.

For Petitioner : Mr.L.Chandrakumar
For Respondents : Mr.P.Srinivas

ORDER

[Order of the Court was made by M.SATHYANARAYANAN,J.,]

By consent, the writ petition is taken up for final disposal. Mr.P.Srinivas, learned Standing counsel accepts notice on behalf of the respondent herein.

2 The petitioner, on an earlier occasion filed WP.No.5936 of 2017, praying for issuance of a writ of Certiorarified Mandamus to quash the proceedings of the respondent dated 28.02.2017 in Na.Ka.No.13919/2012/F1 as illegal and for further direction, directing the said official to pass orders on representation dated 06.03.2017. This Court vide order dated 12.12.2017, had set aside the notice and granted liberty to the 1st respondent therein to proceed further, in respect of the

premises bearing Door No.23/1, Ram Nagar, Mayiladuthurai, in terms of the provisions of the Tamil Nadu Public Premises (Eviction of Unauthorized Occupants) Act, 1975.

3 Mr.L.Chandrakumar, learned counsel appearing for the petitioner would submit that the petitioner has been issued with Form A and B notices by the respondent/Municipality under the provisions of Tamil Nadu Public premises (Eviction of Unauthorized Occupants) Act, 1975 and pendency of the proceedings, the respondent/Municipality is taking steps to dispossess him without recourse to law. Therefore, the petitioner is constrained to approach this Court by filing this writ petition.

4 The learned standing counsel appearing for the respondent would submit that the apprehension expressed by the petitioner is wholly unfound and without any merits and on instructions would submit that action has to be taken strictly in accordance with law.

5 This Court has considered the rival submissions and also perused the materials placed before it.

6 This Court has taking into consideration, the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the respondent to expedite the proceedings initiated under the provisions of Tamil Nadu Public premises (Eviction of Unauthorized Occupants) Act, 1975, in accordance with law and pass final orders as expeditiously as possible not later than six weeks from the date of receipt of copy of this order and communicate the decision taken to the petitioner and till such time, the respondent shall not take steps to dispossess the petitioner except under due process of law and the petitioner till the completion and passing of the final orders by the respondent in the above said proceedings, shall not create any third party rights in respect of the site and superstructure and shall not alter the physical features also.

7 With the above directions, the writ petition stands disposed of. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

sk

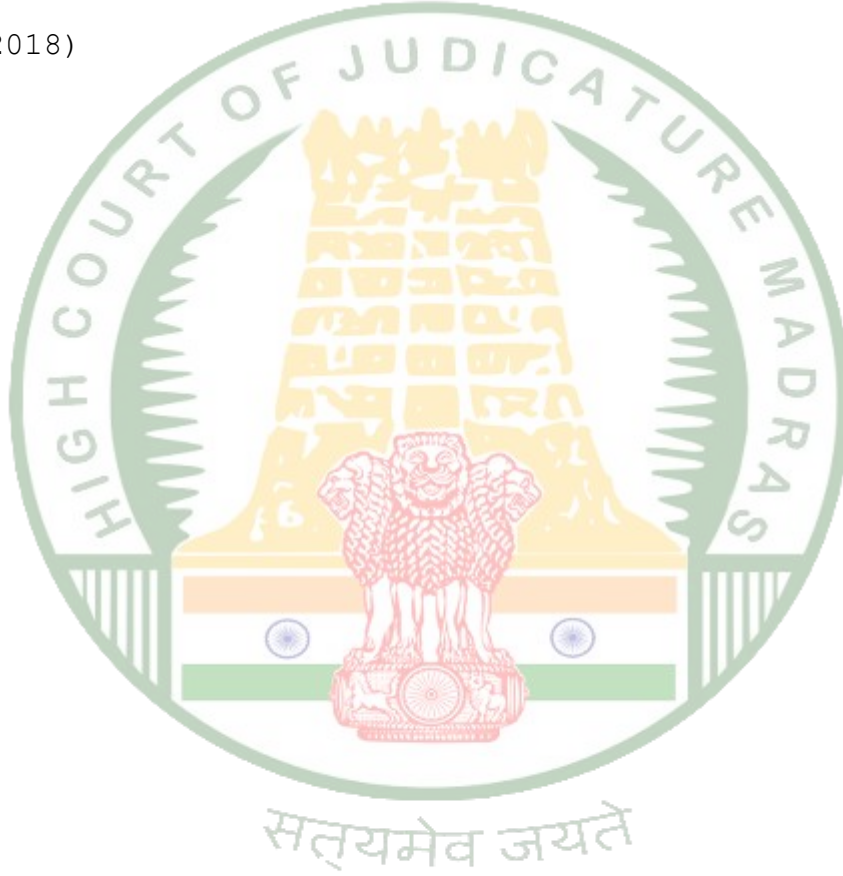
To

The Commissioner,
Mayiladuthurai Municipal Corporation,
Mayiladuthurai.

+1cc to Mr.P.SRINIVAS, Advocate, S.R.No.32469
+1cc to Mr.L.CHANDRAKUMAR, Advocate, S.R.No. 31365

W.P.No.10793 of 2018

TR(06/06/2018)



WEB COPY