

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2018

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.5413 of 2010

and

W.M.P.No.2 of 2010

M.Jayarani

... Petitioner

Vs.

1. The Union Territory of Puducherry,
Rep by its secretary to Government,
Local Administration, Puducherry.
2. The Commissioner,
Puducherry Municipality,
Puducherry.
3. The Assistant Revenue Officer i/c,
Revenue Section - II,
Puducherry Municipality,
Puducherry.
4. P.Ravikumar
(R4 impleaded as per this Court's order
dated 26.08.2011 in MP.1 of 2011.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified mandamus calling for the records of the 2nd respondent pursuant to the impugned order passed in his proceedings in No.2624/PM/RO-II/A2/2008-09 dated 12.03.2010 and quash the same and consequently directing the respondents from evicting the petitioner without following the due process of law.

For Petitioner : Mr.D.Ravichandran
For Respondents : Mr.B.Nambiselvam, AGP

ORDER

This writ petition is directed against the notice dated 12.03.2010 issued by the second respondent, whereby, the occupier of M/s.RENU FAST FOOD was directed to vacate the shop in question from the pavement area at Podikkadai Lane, Puducherry (Town Survey No.47, Block 17, Ward D).

2. According to the petitioner, she started to run the shop in question viz., M/s.RENU FAST FOOD, after obtaining necessary permission from the authority concerned. However, the fourth respondent obtained an ex parte order dated 29.01.2010 in WP.No.3851 of 2009 for eviction against the petitioner on the ground that the petitioner runs the shop without licence. Pursuant to the said ex parte order, the impugned notice came to be issued. Hence, this writ petition.

3. After hearing both sides and upon perusal of the records, it could be seen that the petitioner filed an application dated 13.04.2009 seeking renewal of licence before the authority concerned, but no order came to be passed or renewal granted. When such being the position, this Court is of the view that the relief sought for herein does not survive at this distant point of time. However, the petitioner is given liberty to approach the authority concerned for appropriate relief.

4. Accordingly, this writ petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS IX)

//True copy//

Sub Assistant Registrar

av/rk

To

1. The Union Territory of Puducherry,
Rep by its secretary to Government,
Local Administration, Puducherry.
2. The Commissioner,
Puducherry Municipality,
Puducherry.
3. The Assistant Revenue Officer i/c,
Revenue Section - II Puducherry Municipality,
Puducherry.

+1cc to Mr.D.Ravichandran, Advocate SR.NO.50136(Pondicherry)

+1cc to Government Pleader SR.NO.49648

CA(CO)

sm:21.8.2018

W.P.No.5413 of 2010