



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.05.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.10956 of 2018
and
W.M.P. (MD) No.10089 of 2018

Mohammed Mydeen

... Petitioner

Vs.

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.

2. The Executive Officer,
Muthukulathoor Town Panchayat,
Muthukulathoor,
Ramanathapuram District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the impugned notice issued by the second respondent in Na.Ka.No.108/2018, dated 26.04.2018 quash the same and thereby directing the second respondent to permit the petitioner to continue his possession in Shop No.2 situated at Weekly Market Campus, Muthukulathoor Town, Muthukulathoor Taluk, Ramanathapuram District, by considering the G.O.MsNo.92, Municipal Administration and Water Supply Department, dated 03.07.2007.

For Petitioner : Mr.K.Neelamegam
For Respondent-1 : Mr.S.Dayalan, Government Advocate
For Respondent-2 : Mr.K.Mu.Muthu, Additional Government Pleader

ORDER

According to the petitioner, he is running a Ready made Shop at Shop No.2 situated at Weekly Market Campus, Muthukulathoor Town, Muthukulathoor Taluk, Ramanathapuram District, for the past 13 years. All of a sudden, the second respondent has issued the impugned order dated 26.04.2018, asking the petitioner to vacate the shop, within a period of 15 days from the date of receipt of the notice. Therefore, challenging the aforesaid notice, the petitioner has filed the present writ petition.

2. The learned counsel appearing for the petitioner submitted that the petitioner shall abide by the conditions imposed by the respondents for renewal of the lease, in the light of the Government



Order in G.O.Ms.No.92, Municipal Administration and Water Supply Department, dated 03.07.2007.

3.The learned Additional Government Pleader appearing for the respondents, on instructions, submitted that the Special Officer of the Muthukulathoor Town Panchayat is the competent authority to consider the said representation. If the said representation is still pending and no order has been passed, the same will be considered on merits and in accordance with law.

4.In the light of the above submissions made on behalf of the parties, without going into the merits of the case, this Court is inclined to direct the Special Officer of the Muthukulathoor Town Panchayat to consider the petitioner's representation dated 02.05.2018 on merits and in accordance with law, by considering the G.O.Ms.No.92, Municipal Administration and Water Supply Department, dated 03.07.2007, within a period of four weeks from the date of receipt of a copy of this order. The petitioner is also directed to submit one more copy of the said representation along with the copy of this order to the Special Officer of the Muthukulathoor Town Panchayat. Till the order has been passed by either the Special Officer or the Executive Officer of the Muthukulathoor Town Panchayat, the impugned order passed by the respondents shall be kept in abeyance.

5.Accordingly, this Writ Petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.
2. The Executive Officer,
Muthukulathoor Town Panchayat,
Muthukulathoor,
Ramanathapuram District.
3. The Special Officer,
Muthukulathoor Town Panchayat,
Muthukulathoor, Ramanathapuram District.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 66107

MYR

TE/SV-MMS/SAR-1 : 05/06/2018 : 2P/5C