



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :23.07.2018

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD)No.15965 of 2018

WEB COPY

S.Sekar

: Petitioner

Vs.

1. The District Collector,
Sivagangai District, Sivagangai.2. The Commissioner of Municipal Administration,
Chepauk, Chennai.3. The Executive Officer,
Thiruppathur Town Panchayat, (Selection Grade)
Thiruppathur, Sivagangai District.

: Respondents

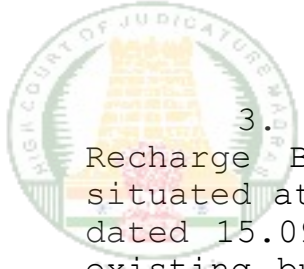
PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the third respondent to consider my representation dated 12.07.2018 not to disturb the petitioner peaceful possession and enjoyment Shop No.4 situated at Thiruppathur Bus Stand complex, Sivagangai District or consequently allot alternative Shop in Thiruppathur, Sivagangai District.

For Petitioner : Mr.B.Senthil Nathan

For R-1 and R-2 : Mr.J.Gunaseelanmuthiah
Additional Government PleaderFor R-3 : Mr.K.Chellapandian
Additional Advocate General
Assisted by Mr.Rajarajan
Standing Counsel**ORDER**

This writ petition has been filed seeking for a Mandamus directing the third respondent to consider the petitioner's representation, dated 12.07.2018 and not to disturb the petitioner peaceful possession and enjoyment in Shop No.4 situated at Thiruppathur Bus Stand complex, Sivagangai District or consequently allot alternative Shop in Thiruppathur, Sivagangai District.

2. Mr.J.Gunaseelanmuthiah, learned Additional Government Pleader takes notice on behalf of the first and second respondents and Mr.Rajarajan, learned Standing Counsel takes notice on behalf of the third respondent.



3. It is stated by the petitioner that he is running Mobile Recharge Business at a shop belonging to the third respondent situated at Thiruppathur Bus Stand Complex. Based on G.O.Ms.No.568, dated 15.09.2015, the third respondent has planned to renovate the existing bus stand and shopping complex attached to the bus stand. Though the petitioner is having licence till the end of 2019, the third respondent and his subordinates are trying to vacate the petitioner. Therefore, the petitioner gave a representation dated 12.07.2018 to the third respondent requesting him not to initiate any adverse action against him. Since the said representation has not been considered so far, the present writ petition has been filed.

4. The learned Additional Advocate General appearing for third respondent submitted that the shops in question are in a very dilapidated condition and that the respondent has already obtained necessary orders for demolishing the building. The learned Additional Advocate General submitted that prior to demolishing, due process of law will be observed by giving notice and opportunity to the petitioner, as well as the other shop owners and only thereafter, the eviction process would be initiated. The learned Additional Advocate General has also produced a copy of the tender notice calling for demolishing the building. He has also produced photographs in respect of shops in question. It is seen from the photographs that the shops in question are really in a very sorry state of affairs.

5. Considering the submission of the learned Additional Advocate General that prior to demolishing, due process of law will be followed by giving prior notice to the petitioner as well as other shop owners and only thereafter, the eviction process would be initiated, the prayer sought for does not deserve consideration at this stage.

6. Accordingly, the writ petition is dismissed. No costs.

Sd/-
Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1. The District Collector,
Sivagangai District,
Sivagangai.

2. The Commissioner of Municipal Administration,
Chennai.



3. The Executive Officer,
Thiruppathur Town Panchayat, (Selection Grade)
Thiruppathur, Sivagangai District.

+1CC to Mr.B.Senthil Nathan, Advocate, SR.No.74392

+1CC to the Special Government Pleader SR.No. 74674

W.P. (MD) No.15965 of 2018
23.07.2018

SJI

ES/SKN/RSK/SAR 3/09.08.2018/3P/6C