



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

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W.P. (MD) Nos.12770 & 12771 of 2018andW.M.P. (MD) Nos.11653 & 11654 of 2018 respectively

Xavier

... Petitioner in W.P. (MD)
No.12770 of 2018

James Sahaya Godwin

... Petitioner in W.P. (MD)
No.12771 of 2018

vs.

1.Tiruchirappalli Corporation
rep.by its Commissioner
Tiruchirappalli2.The Assistant Commissioner
Ariyamangalam Division
Tiruchirappalli Corporation
Tiruchirappalli3.The Commissioner of Police
Trichy City, Trichy4.The Sub-Inspector of Police
Palakkarai Police Station
Trichy5.Allavudeen
Sub Inspector of Police
Palakkarai Police Station
Trichy

6.V.R.Narendraraj

7.S.Jeyanthi

8.Srinivasan

... Respondents in both W.Ps.

PRAYER (in W.P. (MD) No.12770 of 2018): Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus forbearing the respondents 1 to 5 from forcibly evicting the petitioner from a portion of the building bearing Door No.63, Alam Street, Aliyarpalayam, Kajapettai, Trichy-620 001, measuring 750 sq.ft. and demolishing the same without issuing notice to the petitioner under Section 327 of City Municipal Corporation Act, 1981 and passing orders after providing opportunity to him.



PRAYER (in W.P.(MD) No.12771 of 2018): Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus forbearing the respondents 1 to 5 from forcibly evicting the petitioner from a portion of the building bearing Door No.63, Alam Street, Aliyarpalayam, Kajapettai, Trichy-620 001, measuring 450 sq.ft. and demolishing the same without issuing notice to the petitioner under Section 327 of City Municipal Corporation Act, 1981 and passing orders after providing opportunity to him.

For Petitioner : Mr.M.Saravanan
(in both W.Ps)

For Respondents : Mr.N.S.Karthikeyan
(in both W.Ps) Standing Counsel for R1 & R2

Mr.V.Anand
Government Advocate for R3 & R4

Mr.Sasitharan Tamilkani for R7 & R8

C O M M O N O R D E R

Since the issue involved in both the writ petitions is one and the same, they have been clubbed together, heard together and are being disposed of by this common order.

2. The limited prayer sought for by the petitioners in both the writ petitions is to forbear the respondents 1 to 5 from forcibly evicting them from a portion of the building bearing Door No.63, Alam Street, Aliyarpalayam, Kajapettai, Trichy-620 001, measuring an extent of 750 sq.ft. 450 sq.ft. and demolishing the same without issuing notice to them under Section 327 of City Municipal Corporation Act, 1981.

3. Today, when the writ petitions were taken up for hearing, the learned Standing Counsel for the respondents 1 and 2 filed counter affidavits, wherein the second respondent has specifically stated that due process of law contemplated under Section 327 of City Municipal Corporation Act, 1981 has been followed and a notice dated 31.01.2018, has also been issued to the seventh respondent. Copies of the said notice have been furnished to the learned counsel for the petitioners today. As such, the reliefs sought for in the writ petitions have become infructuous.



4. Hence, no further orders require to be passed in the writ petitions and they are closed with liberty to the petitioners to challenge the notice, dated 31.01.2018, if they choose to do so. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar(CS-II)

To:

- 1.Tiruchirappalli Corporation
rep.by its Commissioner
Tiruchirappalli
- 2.The Assistant Commissioner
Ariyamangalam Division
Tiruchirappalli Corporation
Tiruchirappalli
- 3.The Commissioner of Police,
Trichy City, Trichy.
- 4.The Sub-Inspector of Police,
Palakkarai Police Station,
Trichy.

+1cc to M/S.S.T.Sasitharan Tamilkani, Advocate SR.No. 73635
+2cc to M/S.R.Subramanian, Advocate SR.No. 73779 & 73778
+2cc to M/S.N.S.Karthikeyan, Advocate SR.No. 73906 & 73909

W.P.(MD) Nos.12770 & 12771 of 2018
and
W.M.P.(MD) Nos.11653 & 11654 of 2018
respectively

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