**HON'BLE SRI JUSTICE M. SEETHARAMA MURTI**

**WRIT PETITION No.274 of 2018**

**ORDER**:

This writ petition is filed seeking the following relief:

> "...to issue a writ, order or orders and direction more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd Respondent in issuing the impugned notices dated 03.09.2017 & 03.10.2017 in the names of 7 co-workers and asking to remove the sheds and hand over the site to the 4th respondent mutt is highly illegal and arbitrary and it is also in violation of statutory rules, consequently direct the respondents not to interfere with the peaceful possession and enjoyment of the leased out land and to pass such other order or orders as this Hon'ble Court may deems fit, just and proper in the circumstances of the case."

2. At the hearing, learned counsel for the petitioner submits that notices were issued to several persons stating that they are in occupation of certain shops of the fourth respondent – Mutt, but no notice has been issued to the petitioner though he is in occupation of the subject property.

3. Learned Standing Counsel appearing for the fourth respondent – Mutt fairly concedes that no notice has been issued to the petitioner.

4. Since the grievance of the petitioner is that no notice has been issued before the intended coercive action, this Court is of the considered view that this writ petition can be disposed of with appropriate directions to the respondents keeping in view the submissions of the learned counsel for the petitioner and learned Standing Counsel appearing for the fourth respondent – Mutt.

5. Accordingly, the writ petition is disposed of with the following directions:

The authority concerned of the fourth respondent – Mutt shall issue a notice to the petitioner within two weeks from the

date of receipt of a copy of this order and on receipt of such notice, the petitioner is at liberty to submit his explanation, if he so desires, within two weeks thereafter. After receiving the explanation, if any, submitted by the petitioner, the authority concerned of the fourth respondent – Mutt shall consider and dispose of the same in accordance with the procedure established by law and communicate the decision taken thereon to the petitioner within a week thereafter.

Till the above exercise is completed, the respondents are directed not to take any coercive action against the subject property of the petitioner, which is more fully described in document at page 51 of the material papers filed along with the writ petition. It is made clear that if no explanation is given by the petitioner as directed supra, the 4th respondent-Mutt shall be at liberty to proceed further in the matter in accord with the procedure established by law.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

**M. SEETHARAMA MURTI, J**

Date: 05.01.2018
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