

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 40052 of 2018

ORDER:

1) The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the second respondent in interfering with the peaceful possession and enjoyment of the petitioner, who is an handicapped person, over his shop opposite to the APSRTC bus stand, Makthal, without following due process of law, as illegal and arbitrary.

2) Though various grounds are raised, learned counsel for the petitioner would submit that the action of the authorities in trying to remove the shop without following due process of law is illegal.

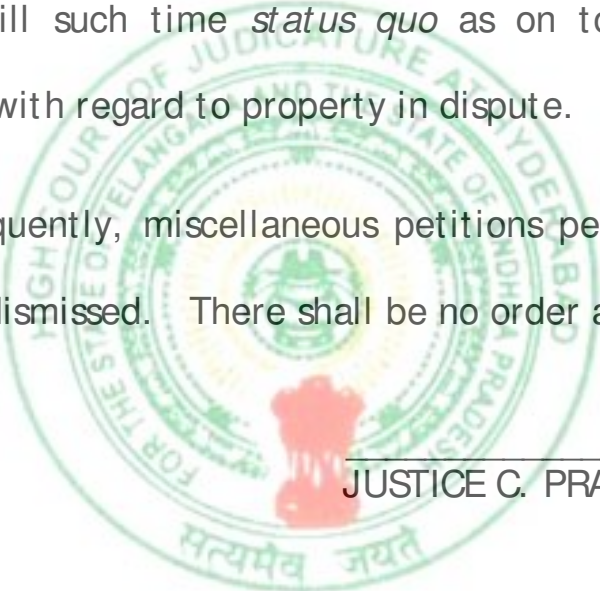
3) Learned Standing Counsel for the second respondent, on instructions, submits that in spite of giving notice dated 13.08.2018, the petitioner has not submitted any explanation and till now the shop is not yet removed.

4) A reading of the notice dated 13.08.2018, show that the petitioner was asked to remove the shop within seven days, failing which the authorities shall remove the same. It

appears that till date no action has been taken by the authorities.

5) Having regard to the above, the writ petition is disposed of holding that the notice, dated 13.08.2018, which is filed along with the Writ Petition be treated as a show cause notice and directed the petitioner to submit his explanation within ten days from today, in which event, the authorities shall take steps in accordance with law, at the earliest. Till such time *status quo* as on today shall be maintained with regard to property in dispute.

6) Consequently, miscellaneous petitions pending, if any, shall stand dismissed. There shall be no order as to costs.



JUSTICE C. PRAVEEN KUMAR

08.11.2018

Note: Issue C.C. tomorrow.

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