

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2019

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P.No.19460 of 2010

and

M.P.No.1 of 2010

Balasubramanian

... Petitioner

Vs

- 1.The District Collector,
Nagapattinam District.
- 2.The Revenue Divisional Officer,
Mayiladuthurai,
Nagapattinam District.
- 3.The Assistant Divisional Engineer,
O/O The Assistant Divisional Engineer,
Highways Department,
Mayiladuthurai,
Nagapattinam District.

....Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus calling for the records pertaining to the notice bearing No.19 dated 10.08.2010 issued by the 3rd respondent and quash the same and consequently forbearing the respondents from evicting the Petitioner from No.4/690, Thiruvarur Main Road, Thathangudi, Mangainallur Village, Kuthalam Taluk, Nagapattinam except under due process of law.

For Petitioner : Mr.G.Pugazhenth

For Respondents: Mr.J.Ramesh, AGP

ORDER

This writ petition has been filed to quash the notice bearing No.19 dated 10.08.2010 issued by the 3rd respondent and consequently forbear the respondents from evicting the petitioner at shop No.4/690, Thiruvarur Main Road, Thathangudi, Mangainallur Village, Kuthalam Taluk, Nagapattinam.

2.Today, when the matter was taken up for consideration, the learned counsel for the petitioner submitted that by way of the impugned notice, the respondent authorities are caused disturbance to the business operation of the petitioner, so as to evict him from the shop in question.

3.On the other hand, Mr.J.Ramesh, learned Additional Government Pleader appearing for the respondents opposed the allegations raised on the side of the petitioner. However, he fairly submitted that if the petitioner makes a representation to the Vending Committee constituted vide G.O.(4D)No.5, Municipal Administration and Water Supply (MCI) Department, dated 05.10.2016, the same would be considered, by the authorities concerned on merits and in accordance with law. The said submission is agreed by the learned counsel for the petitioner.

4.In view of the submissions now made by the learned counsel on either side and also considering the facts and circumstances of the case, this Court directs the petitioner to submit a detailed representation to the Vending Committee within a period of two weeks from the date of receipt of a copy of this order. On such submission, the same shall be considered and appropriate order be passed by the authorities concerned, on merits and in accordance with law, as expeditiously as possible.

5.Accordingly, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

s/d-

Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

jas/rk
To

1.The District Collector,
Nagapattinam District.

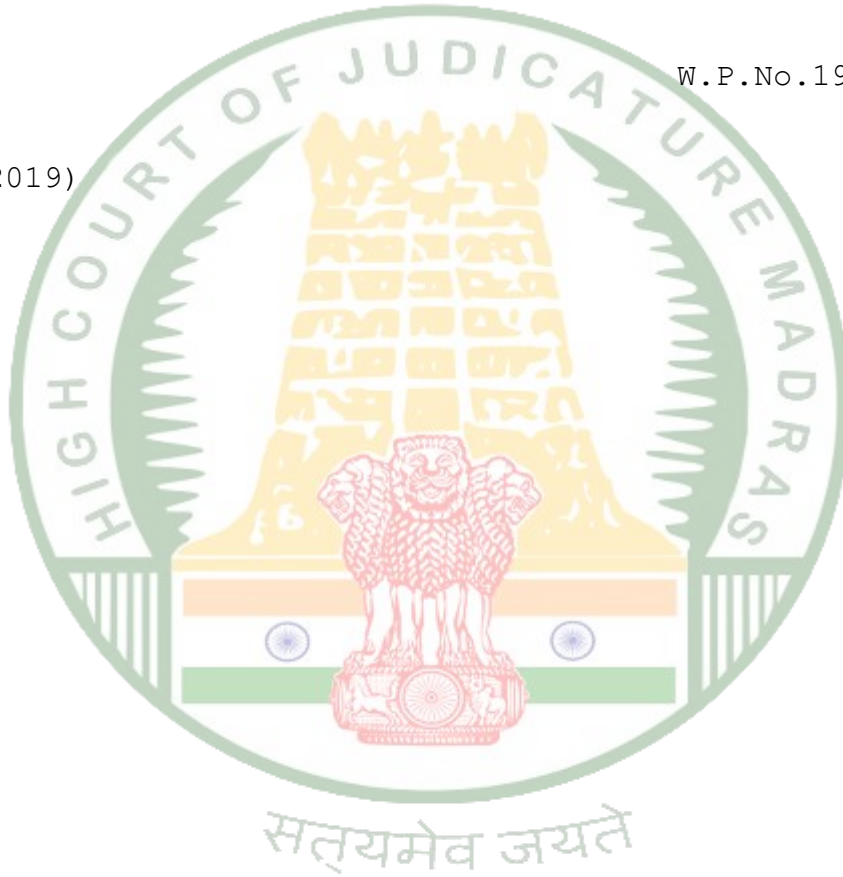
2.The Revenue Divisional Officer,
Mayiladuthurai,
Nagapattinam District.

3.The Assistant Divisional Engineer,
O/O The Assistant Divisional Engineer,
Highways Department,
Mayiladuthurai, Nagapattinam District.

+1 CC to Mr.G.Pugazhenthii, Advocate sr 4487.
+1 CC to The Govt. Pleader sr 3979.

W.P.No.19460 of 2010

EV(CO)
SP(27/04/2019)



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