



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 24.10.2019

Coram::

The Honourable Dr.Justice G.Jayachandran

W.P.No.27514 of 2019

P.Chelladurai,
S/o.P.Periyakaruppan,
Plot No.5, Kamarajar Nagar,
Tharkadu, Anaiyur,
Madurai - 625 017. Petitioner

/versus/

1. The Government of Tamil Nadu,
Rep. by its Principal Secretary,
Municipal Administration and
Water Supply Department,
Fort St.George, Secretariat,
Chennai - 600 009.
2. The Commissioner,
Madurai Corporation,
Arignar Anna Maaligai,
Outpost, Thallakulam,
Madurai - 625 002.
3. The Assistant Commissioner (Revenue),
Madurai Corporation,
Arignar Anna Maaligai,
Outpost, Thallakulam,
Madurai - 625 002.
4. Mohan,
S/o.Ramasamy,
No.4, Chinnakanmai Street, Goripalayam,
Madurai - 625 002. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus, directing the 1st respondent to dispose the Appeal Petition filed by the petitioner within the time frame.

For Petitioner : Mr.R.Subramanian

For R1 : Mr.N.Inbanathan,
Additional Government Pleader

For R2 & R3 : Mr.T.Shanmugam

ORDER

Heard the Learned Counsel for the Petitioner and Learned Counsel for the Respondents.

2. The petitioner herein claiming that his late father is a tenant under the 2nd respondent in respect of vacant land measuring 30 sq.ft on the right side of PWD WRO Building Entrance situated in Kamarajar Nagar, Tharkadu, Anaiyur, Madurai, for a monthly rent of Rs.535/- with non refundable deposit of Rs.50,000/-. The Official of the 2nd respondent on 09.09.2018 tried to evict him from the place based on the eviction notice alleged to have been issued on 26.08.2019 in the name of his father late Periyakaruppan.

3. Aggrieved by the said eviction notice dated 26.08.2019, the petitioner has preferred an appeal before the 1st respondent on 10.09.2019 as a follow up, the present Writ Petition is filed seeking Mandamus to direct the 1st respondent to dispose of the said appeal within time frame.

4. The Learned Standing Counsel representing the 2nd respondent would submit that, the shop in dispute was already transferred by father of the petitioner, while he was alive and in the said document, the petitioner has signed as one of the witness, in such circumstances, he has no locus to preferred appeal.

5. If the father of the petitioner has already transferred the shop in favour of the 4th respondent, intimating the same, the Appellate Authority ought to have disposed the appeal and pass appropriate order within reasonable time. In this case, the petitioner has preferred the appeal to the 1st respondent only on 10.09.2019, hence the 1st respondent is hereby directed to consider the appeal of the petitioner and pass appropriate order on merits, within a period of four weeks, from the date of receipt of a copy of this order.

6. Accordingly, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

bsm

To,

1. The Principal Secretary,
The Government of Tamil Nadu,
Municipal Administration and
Water Supply Department,
Fort St.George, Secretariat,
Chennai - 600 009.

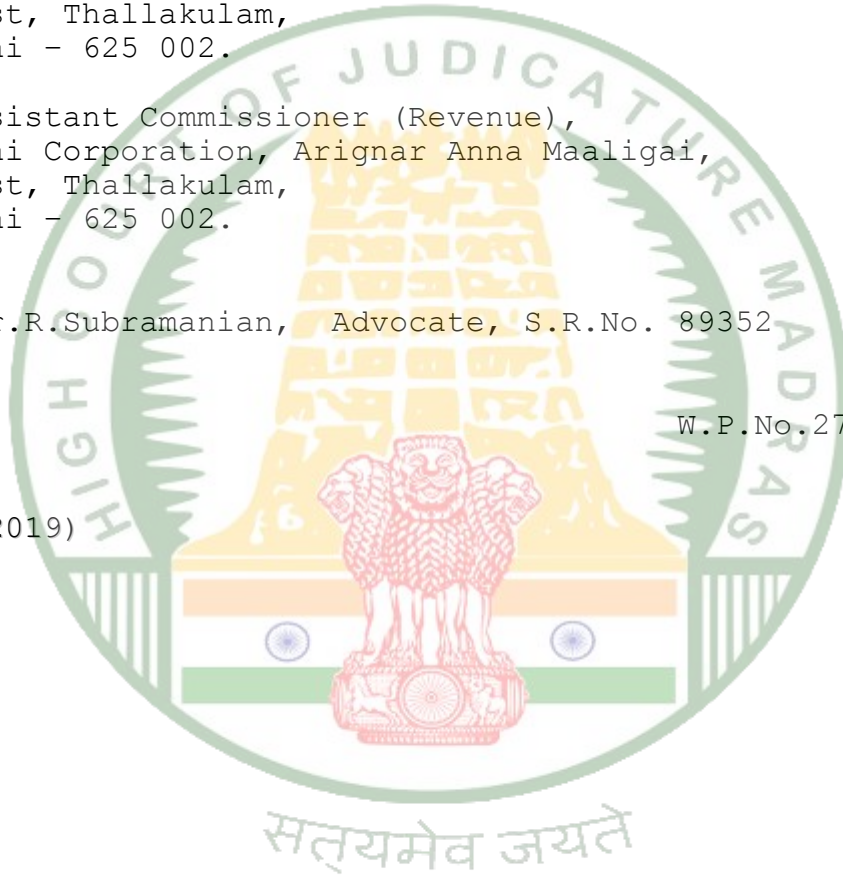
2. The Commissioner,
Madurai Corporation,
Arignar Anna Maaligai,
Outpost, Thallakulam,
Madurai - 625 002.

3. The Assistant Commissioner (Revenue),
Madurai Corporation, Arignar Anna Maaligai,
Outpost, Thallakulam,
Madurai - 625 002.

+1cc to Mr.R.Subramanian, Advocate, S.R.No. 89352

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SSD(CO)
GN(27/11/2019)



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