

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P.NO.6709 OF 2020

AND

W.M.P.NOS.7964 AND 7965 OF 2020

C.Rajalingam

... Petitioner

Vs

The Commissioner,
Oulgaret Municipality,
Government of Puducherry,
Oulgaret, Puducherry - 605 005.

... Respondent

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, calling for the records relating to impugned Orders vide (i) FORM-A No. 51-39/JE(5)/OM/2019-2020 dated 02.01.2020 and consequential impugned order vide (ii) FORM-B vide F. No. 51-39/JE(5)/OM/2019-2020 dated 25.02.2020 issued by the Respondent and quash the same.

For Petitioner : Mr.Prakash Adiapadam

For Respondent : Mr.Stalin Abimanyu,
Standing Counsel

O R D E R

(Order of the court was made by N.KIRUBAKARAN.J.,)

It is seen from the records that the parents of the Petitioner have been assigned land at Thattanchavady Revenue Village, Village No. 34, bearing R.S. No. 244/2A/1A/1/6pt measuring to an extent of 00-00-16 HAC or 16 square meter and after the demise of the parents, the Petitioner is in possession of the property and he has been living there for more than 35 years. However, the Respondent has issued a show cause notice dated 02.01.2020 under Sub-section (1) of Section 415 of the

Puducherry Municipalities Act, 1973, and thereafter, passed the final order dated 25.02.2020 under Sub-section (1) of Section 416 of the said Act, against which the present Writ Petition has been filed.

2. Heard Mr.Prakash Adiapadam, learned Counsel for the Petitioner and Mr.Stalin Abimanyu, learned Standing Counsel for the Respondent.

3. The learned Counsel for the Petitioner has submitted that even though show cause notice dated 02.01.2020 has been issued under Sub-section (1) of Section 415 of the said Act, as the Petitioner was paralyzed and bedridden, he cannot reply to the said notice which led to the passing of the final order dated 25.02.2020. However, Mr.Stalin Abimanyu, learned Standing Counsel for the Respondent would submit that an appeal shall be filed under Section 420 of the said Act, against the order passed by the authorities, and therefore, ultimate remedy by way of arbitration is provided under the said Act.

4. Having heard the parties, it is seen that show cause notice has been issued on 02.01.2020 and final order has been passed on 25.02.2020. Since the learned Counsel for the Petitioner submitted that the Petitioner was paralyzed and bedridden and so he cannot give reply, the Petitioner is directed to give reply to both the impugned orders within a period of four weeks from the date of receipt of a copy of this order. On receipt of such reply, the Respondent is directed to conduct an enquiry by giving opportunity to the Petitioner and dispose of the matter within a period of twelve weeks thereafter. Till the order is passed and served on the Petitioner, the Petitioner's possession of the property shall not be disturbed.

5. With the above directions, this Writ Petition is disposed of. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ay

To

The Commissioner,
Oulgaret Municipality,
Government of Puducherry,
Oulgaret, Puducherry - 605 005.

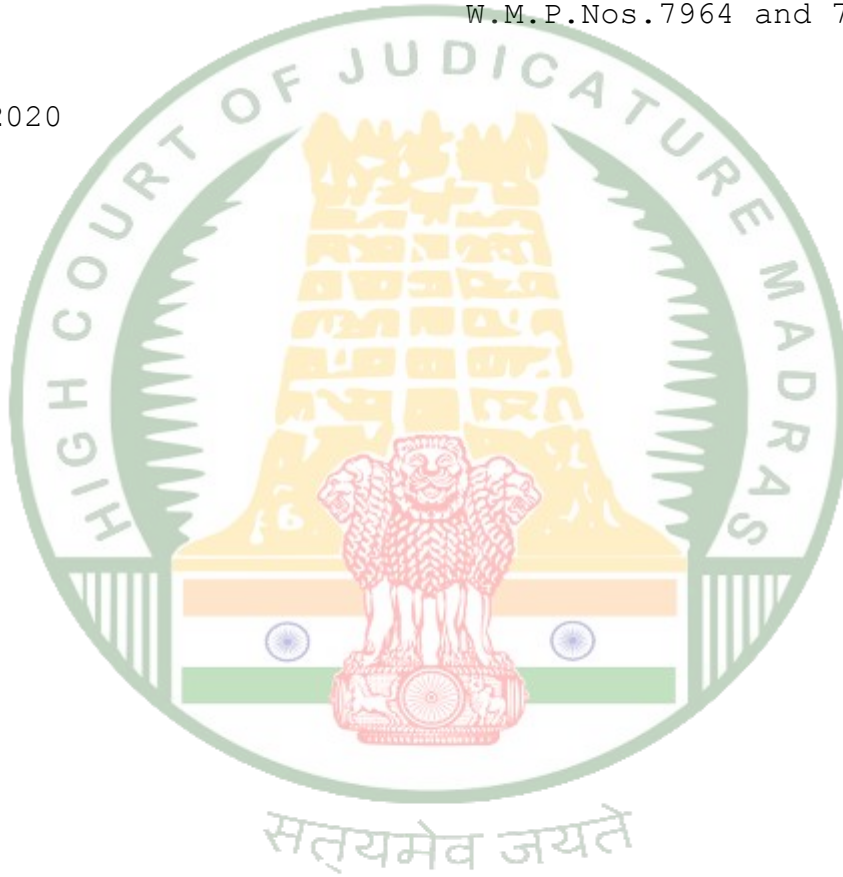
+1cc to Mr.Prakash Adiapadam, Advocate, S.R.No.24153

+1cc to the Government Pleader, S.R.No.24137

W.P.No.6709 of 2020
and

W.M.P.Nos.7964 and 7965 of 2020

VSNI (CO)
CS/21/07/2020



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