



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 08.01.2020

CORAM:

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THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)NO.23497 OF 2019

Prof C.Wilson,
Correspondent,
Cathedral Higher Secondary School,
Palayamkkottai,
Tirunelveli District.

:Petitioner

.vs.

1.The District Collector,
Collectorate,
Tirunelveli District.

2.The Commissioner,
Tirunelveli Municipal Corporation,
Tirunelveli.

3.The Joint Registrar of Cooperative Societies,
Tirunelveli Region,
Tirunelveli.

4.The Deputy Registrar of Cooperative Societies,
Office of the Deputy Registrar,
Tirunelveli -7,
Tirunelveli District.

5.R.P.Adhithyan,
The President,
0.1007 Diocesan Cooperative Ware House,
No.173, Trivandrum Road,
Palayamkkottai,
Tirunelveli District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents 1 to 4 to pass appropriate orders to the first respondent to vacate and shift the 0.1007 Diocesan Cooperative Ware House(Kooturavu Pandagasalai) which is situated inside the the Cathedral Higher Secondary School Campus, Palayamkkottai, Tirunelveli District to any other appropriate building within the time fixed by this Court.



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For Petitioner	:Mr.R.Manoharan
For Respondents 1,3 and 4	:Mrs.J.Padmavathi Devi Special Govt Pleader
For Respondent-2	:Mr.Aayiram K.Selvakumar
For Respondent-5	:Mr.J.Gunaseelan Muthiah Addl.Govt.Pleader

O R D E R

The Petitioner has sought for the assistance of the respondents 1 to 4 to pass appropriate orders to the fifth respondent to vacate and shift the Diocesan Co-operative Ware House (Kooturavu Pandagasalai) which is situated inside the Cathedral Higher Secondary School Campus, Palayamkottai, Tirunelveli District.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. According to the Petitioner, the building in question is very old and dilapidated condition. Despite granting several times for vacating the building, the fifth respondent has been continuing in the shop especially inside the school premises. Now the building is totally in a dilapidated condition and it is not safe to house the Kooturavu Pandagasalai inside, especially in the school campus. As the building is very old, if the school children have been by mistake entered near the building and if the building is collapsed, it will cause loss of lives. Hence the Petitioner has come forward with this Writ Petition for the relief stated supra.

4. Upon notice, the second respondent, who is Commissioner, of Tirunelveli Municipal Corporation, Tirunelveli has produced a letter given by the fifth respondent stating that two of the shops are already vacated and one shop is in the occupation of the Petitioner, who has run the said shop. As the process of distributing Pongal Gift to the Family Card Holders is in progress, the fifth respondent is seeking one month time to vacate the premises in question after the said distribution is completed within a month.

5. Recording the above said letter, dated 4.1.2020 addressed to the second respondent, the fifth respondent is directed to continue in the said premises upto 31.01.2020 before which date he will have to vacate the said premises.

6. With the above direction, the Writ Petition stands disposed of. No costs.

<https://hcservices.ecourts.gov.in/hcservices/>



7. Post the matter under the caption 'for reporting compliance' on 06.02.2020.

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// True Copy //

Sd/-

Assistant Registrar (CO)

/ /2020
Sub Assistant Registrar (CS)

To

1. The District Collector,
Collectorate,
Tirunelveli District.
2. The Commissioner,
Tirunelveli Municipal Corporation,
Tirunelveli.
3. The Joint Registrar of Cooperative Societies,
Tirunelveli Region,
Tirunelveli.
4. The Deputy Registrar of Cooperative Societies,
Office of the Deputy Registrar,
Tirunelveli -7, Tirunelveli District.

Copy to:

The Section Officer,
Writ Section,
Madurai Bench of Madras High Court, Madurai.

(for reporting Compliance on 06.02.2020)

- +1 CC to M/s. Special Govt. Pleader (SR-1005[F] dated 09/01/2020)
+1 CC to M/s. J. GUNASEELAN MUTHIAH, Advocate (SR-1298[F] 10/01/2020)

ORDER MADE IN
W.P (MD) NO. 23497 OF 2019
08.01.2020

vsn
SDS (24.01.2020) 3P-8C

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