



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.06.2022

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.P. (MD) No.10643 of 2022

and

W.M.P. (MD) No.7729 of 2022

K.Balagurupandian

... Petitioner

-vs-

1. The Commissioner,
Thanjavur City Municipal Corporation,
Thanjavur.

2. The Estate Officer,
Thanjavur City Municipal Corporation,
Thanjavur.

... Respondents

PRAYER : Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Certiorari, calling for the records relating to the proceedings of the impugned eviction notice in ROC.No.7020/2021/MCF3 dated 12.05.2022 on the file of the second respondent and quash the same.

For Petitioner : Mr.G.Prabju Rajadurai

For Respondents : Mr.N.Dilip Kumar

O R D E R

[Order of the Court was made by Dr.G.JAYACHANDRAN, J.]

The petitioner herein suffers an order of eviction notice issued under the Tamil Nadu Public Premises (Eviction of Unauthorised Occupants) Act, 1975.

2. The learned counsel for the petitioner states that the petitioner has preferred a statutory appeal before the appellate authority, namely, the learned Principal District Judge, Thanjavur, which is numbered as C.M.A.No.4 of 2022 and the same is pending. While so, being aggrieved by the notice issued under FORM-C, dated 12.05.2022, directing the petitioner herein to remove the materials



within the public premises on or before 23.05.2022, the present writ petition has been filed.

3. On considering the facts of the case, this Court is of the view that when the statutory appeal is filed, there is no necessity for the High Court to interfere, however, since the impugned proceedings has been issued directing the petitioner herein to remove the materials kept in the public premises, in view of the possession taken under Section 5 of the Act, the implementation of the said order may lead the statutory appeal preferred by the petitioner infructuous. Hence, it is suffice to direct the appellate authority to dispose of C.M.A.No.4 of 2022 on or before 31.08.2022. The appellate authority is also directed to dispose of the Interlocutory Application in I.A.No.49 of 2022 within a period of two weeks from the date of receipt of a copy of this order.

4. With these directions, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Vacation Officer/
Assistant Registrar

// True Copy //

/ /2022
Sub Assistant Registrar(CS)

am / vji

To:

1. The Commissioner,
Thanjavur City Municipal Corporation,
Thanjavur.

2. The Estate Officer,
Thanjavur City Municipal Corporation, Thanjavur.

+1 CC to M/s.G. PRABHU RAJADURAI, Advocate (SR-24221[F] dated 01/06/2022)

+1 CC to M/s.N. DILIPKUMAR, Advocate (SR-24240[F] dated 02/06/2022)

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