



W.P.(MD)No.6005 of 2015

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED :07.12.2022

CORAM

**THE HONOURABLE MR.JUSTICE K. KUMARESH BABU**

W.P.(MD)No.6005 of 2015

and

M.P.(MD).No.1 of 2015

P1.V.Gandhimathi(Died)

P2.Vijayakumar

... Petitioner

***P2 is substituted as LR's vide Court Order dated 11.11.2022 in W.M.P. (MD).No.3499 of 2021 in W.P.(MD).No.6005 of 2015 by RVJ.***

Vs.

1.The District Collector,  
Thanjavur District.

2.The Commissioner,  
Pattukottai Municipality,  
Pattukottai,  
Thanjavur District.

3.The Assistant Divisional Engineer,  
Highway and Rural Road Works,  
Athirampattinam Road,  
Pattukottai,  
Thanjavur District.

... Respondents

**PRAYER :** Petition filed under Article 226 of the Constitution of India  
praying for issuance of Writ of Mandamus, forbearing the 2<sup>nd</sup> and 3<sup>rd</sup>



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respondents from demolishing or removing the petitioner's Burma Stall shop No.6 situated at Post Office Road, Pattukottai, Thanjavur District, without any notice and following the due process of law.

For Petitioner :Mr.A.C.Asai Thambi

For Respondents :Mr.G.Siva Raja  
Government Advocate for R1 & R3  
:Mr.J.Parekh Kumar for R2

### **ORDER**

The prayer in the writ petition reads as follows:

This writ petition is filed praying for issuance of Writ of Mandamus, forbearing the 2<sup>nd</sup> and 3<sup>rd</sup> respondents from demolishing or removing the petitioner's Burma Stall shop No.6 situated at Post Office Road, Pattukottai, Thanjavur District, without any notice and following the due process of law.

2.The case of the petitioner is that the petitioner's family is a refugee from Burma and that they have been issued with a permission to run a shop in Pattukottai Municipality for their livelihood. From thereon



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without hindrance they have been running a shop. However, the respondents have attempted to evict them without due process of law. Therefore, the petitioner sought for a mandamus to restrain the respondents from demolishing or removing the petitioner shop without any notice or following the due process of law.

3.Considering the same, a mandamus is issued directing the respondents not to take coercive action without following the due process of law.

4.Accordingly, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

**07.12.2022**

Index : Yes / No  
Speaking Order/Non Speaking Order

*sbn*



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To  
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Pattukopttai,  
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- 3.The Assistant Divisional Engineer,  
Highway and Rural Road Works,  
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**K.KUMARESH BABU, J.**

*sbn*

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