



W.P(MD)No.28783 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.12.2022

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.P(MD)No.28783 of 2022

N.Thiruppathi

... Petitioner

VS.

1.The District Collector,
Pudukkottai District,
Pudukkottai.

2.The Commissioner,
Pudukkottai Municipality,
Pudukkottai.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to remove the unauthorized occupation of floor fruit shop put up in front of the petitioner's shop situated in Santhamman Kovil Sannathi, East Raja Street in T.S.No.2662 by considering the representation of the petitioner, dated 15.12.2022.



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For Petitioner : Mr.K.G.Arun Kumar

For R – 1 : Mr.M.Sarangan
Additional Government Pleader

For R – 2 : Mr.S.Kameswaran
Standing Counsel

ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

Mr.M.Sarangan, learned Additional Government Pleader, takes notice for the first respondent and Mr.S.Kaeswaran, learned Standing Counsel, takes notice for the second respondent. By consent of both the parties, the Writ Petition is taken up for final disposal at the time of admission itself.

2.The prayer in this Writ Petition is seeking for issuance of a Writ of Mandamus, directing the respondents to remove the unauthorized occupation of floor fruit shop put up in front of the petitioner's shop situated in Santhamman Kovil Sannathi, East Raja Street in T.S.No.2662 by considering the representation of the petitioner, dated 15.12.2022.



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3. According to the petitioner, he is running a tea shop in Santhamman Kovil Sannathi, East Raja Street in T.S.No.2662 belonging to Ponnusamy, after entering into registered rental agreement, dated 05.09.2022. In the said circumstances, the street vendors are disturbing his business and put up floor fruit shop in front of his tea shop. Hence, the petitioner made a representation, dated 15.12.2022 to the respondents. Since the same has not been considered so far, the petitioner has filed the present Writ Petition.

4. The learned counsels appearing for the respondents, on instructions, submitted that the representation of the petitioner, dated 15.12.2022 would be considered and appropriate action will be taken in accordance with law.

5. It is seen that the petitioner made a representation to the respondents on 15.12.2022 and filed the present Writ Petition on 19.12.2022, without giving sufficient time to the respondents to consider the same. Though we are not inclined to entertain the Writ Petition, however, considering the fact that the petitioner seeks for removal of the



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unauthorized occupation of floor fruit shop put up in front of his shop, without going into the merits of the claim made by the petitioner, the second respondent is directed to consider the representation of the petitioner, dated 15.12.2022 and pass appropriate orders, on merits and in accordance with law. If there is any encroachment as claimed by the petitioner, after issuing notice and conducting survey in the presence of the petitioner and all other parties, the second respondent shall take necessary action for removal of the encroachment, after affording sufficient opportunity of personal hearing to all the parties concerned and by following due process of law, within a period of eight (8) weeks from the date of receipt of a copy of this order.

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

[D.K.K.,J.] [R.V.,J.]
22.12.2022

Index : Yes / No
Internet : Yes
ps



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Pudukkottai.



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D.KRISHNAKUMAR,J.
and
R.VIJAYAKUMAR,J.

ps

ORDER MADE IN
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DATED : 22.12.2022