



WEB COPY



W.P.No.16622 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2024

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

W.P.No.16622 of 2024

S.Selvaraj

... Petitioner

Versus

1. The Commissioner,
Pondicherry Municipality,
Kambankalaingarangam,
Bussy Street,
Puducherry – 605 001

2. The Public Works Department,
Chief Engineer, Central office,
Public Works Department,
34, LalBahadursastri Street,
Puducherry – 605 001

...Respondents

Pray er : Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus directing the respondents to consider the representation of the petitioner dated 11.03.2024 pending before the 1st respondent within a time frame fixed by this Court.

For Petitioner : Mr.B.Jaihari

For Respondents : Mr.M.Nirmal Kumar for R1 & R2
Government Advocate [Puducherry]



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ORDER

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The present Writ Petition has been filed by the petitioner for issuance of a Writ of Mandamus directing the respondents to consider the representation dated 11.03.2024 pending before the 1st respondent within a time frame fixed by this Court.

2. According to the petitioner, one Benjamin, who was the worker under the former tenant, namely, Shanmugam, is causing hindrance by blocking the petitioner's shop entrance with two push cart shops and running soda business. When the same was questioned by the petitioner, he attacked the petitioner, hence a complaint was lodged against the said Benjamin in Muthialpet Police Station, Puducherry and no action has been taken by the police. Further, the new tenant of the petitioner, who is running a Beauty Parlor intends to vacate the shop due to the said disturbance. Therefore, a representation dated 11.03.2024 has been sent to the respondents, but till date the same has not been considered, hence this petition.



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3. It is the contention of the learned counsel for the petitioner that it would suffice if the respondents are directed to consider the petitioner's representation dated 11.03.2024 in accordance with law, for which, the learned Government Advocate [Puducherry] for the respondents are in agreement with the same.

4. It is to be noted that as per the contention of the petitioner, the worker, namely, Benjamin, under the former tenant is disturbing the petitioner by having push cart shop in front of petitioner's shop and the same has been given by way of a complaint before Muthailpet Police Station, Puducherry, wherein no action has been taken. The said shop is causing hindrance to the petitioner.

5. Considering the above said facts and circumstances of the case, the 1st respondent is directed to consider the representation of the petitioner dated 11.03.2024 and pass orders in accordance with law. If the said person, [against whom the complaint has been given by the petitioner] is a street vendor, then, appropriate orders shall be passed for the removal of the said person from the existing place and re-settle the said person in some other place.



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Accordingly, the writ petition is disposed of. No costs.

25.06.2024

Index : Yes/No
Internet: Yes / No
Speaking order : Yes/No
ssd

To

1. The Commissioner,
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Bussy Street,
Puducherry – 605 001
2. The Public Works Department,
Chief Engineer, Central office,
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V.BHAVANI SUBBAROYAN, J.

ssd

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