

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.04.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.P. No.9991 of 2015 and M.P. No.1 of 2015

D. Nagammal

Petitioner

vs.

1 The Commissioner
Tiruchengode Municipality
Tiruchengode
Namakkal District

2 T. Jeyanthi

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari calling for the records of the first respondent in their proceedings in Na.Ka.No.13003/14/F1, Tiruchengode Municipality dated 08.01.2015 and quash the same.

For petitioner Mr. V. Subbarayan

For R1 Mr. R. Ravichandran
Additional Government Pleader

ORDER

(Order of the Court was made by SATISH K. AGNIHOTRI, J.)

Mr. R. Ravichandran, learned Additional Government Pleader, takes notice for the first respondent.

2 The petitioner, claiming to be the owner of the housesite in S.No.64/1 and 64/2, feeling aggrieved by the notice dated 08.01.2015, has come up with the instant writ petition, seeking quashment of the same. By the said notice, the petitioner was directed to demolish the compound wall in question within seven days, failing which, it was observed that the Municipality would demolish the same at the petitioner's cost.

3 The learned counsel for the petitioner would contend that before issuance of the impugned notice calling upon the petitioner to

remove the compound wall in her property, no opportunity of hearing was afforded to her. The petitioner is entitled to construct compound wall under provisions of law, to protect her premises and there is no encroachment on any common pathway, as alleged in the impugned notice.

4 The learned Additional Government Pleader appearing for the first respondent would submit that if a show cause notice affording an opportunity of hearing has not been issued to the petitioner, the impugned notice may be treated as a show cause notice, granting liberty to the petitioner to file her reply in detail and after considering her reply, appropriate orders shall be passed in accordance with law and on its own merits.

5 In view of the aforesaid submission made by the learned Additional Government Pleader appearing for the first respondent, treating the impugned notice as a show cause notice, the petitioner is permitted to file her reply, raising all the grounds available under provisions of law and on facts. Thereafter, the first respondent is at liberty to take necessary consequential action, if so advised, under provisions of law. The entire exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

6 The writ petition stands disposed of with the above direction and observation. No costs. Connected Miscellaneous Petition is closed.

cad

s/d-

Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

To

The Commissioner
Tiruchengode Municipality
Tiruchengode
Namakkal District

+ 1 cc to Mr.V.Subbarayan, Advocate SR 19068

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prk27/5

W.P. No.9991 of 2015