



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2015

CORAM :

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Writ Petition (MD) Nos.13471 to 13477 of 2015

WEB COPY

Nagarajan
Periyannan
Vellaiya Pillai
Dharmarajan
Periyasamy
Sannasi
Boopathi

.. Petitioner in WP(MD)No.13471/2015
.. Petitioner in WP (MD) No.13472/2015
.. Petitioner in WP(MD) No.13473/2015
.. Petitioner in WP(MD) No.13474/2015
.. Petitioner in WP(MD) No.13475/2015
.. Petitioner in WP(MD) No.13476/2015
.. Petitioner in WP(MD) No.12477/2015

Vs.

1.The Regional Director,
Municipal Administration,
Salem.

2.The Commissioner,
Kulithalai Municipality,
Kulithalai.

3.The Chairman,
Kulithalai Municipality,
Kulithalai.

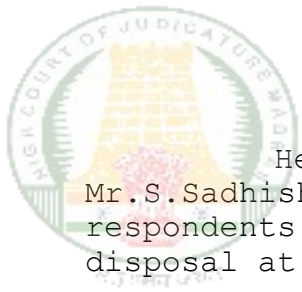
.. Respondents in all the WPS

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the notice dated 2nd July 2015 issued by the second respondent in Na.Ka.No.2247/2014/A1 and quash the same and further direct the second respondent to forbear from demolishing the shop No.1 in Door No.47F in Andar Main Road, Kulithalai, Karur District
ii) Shops in old Door Nos.6 & 7 in ward No.19 of Andar Main Road, Kulithalai Kurur District.
iii) Shop No.12 of Vysyal street, Periyaplayam, Kulithalai, Kurur Distirct.
iv) Shop No.2 in Door No.47G in Andar Main Road, Kulithalai, Kurur District.
v) Shop No.3 in Door No.47H in Andar Main Road, Kulithalai, Kurur District.
vi)Shop No.4 in Door No.47I in Andar Main Road, Kulithalai, Kurur District.
vii) Shop No.5 in Door No.47J in Andar Main Road, Kulithalai, Kurur District, or dispossessing the petitioner from the said shop.

For Petitioner : Mr.RM.Sivakumar
For Respondent : Mr.S.Sadeeshkumar,
(In all W.Ps) Additional Government Pleader.

For R1

For Respondents : Mr.M.Rajaram For R2 & R3
(In all W.Ps)



Heard the learned counsel appearing for the petitioner and Mr.S.Sadhishkumar, learned Additional Government Pleader for the respondents. By consent, the writ petition itself is taken up for final disposal at the admission stage.

2.Challenging the notices issued by the second respondent in Na.Ka.No.2247/2014/A1, dated 02.07.2015, the present writ petitions have been filed.

3.On an earlier occasion, when the petitioners were sought to be evicted, W.P(MD)Nos.16973 to 16984 of 2014 were filed. While disposing of those writ petitions, this Court directed the authority to give adequate opportunity to the petitioners before passing appropriate orders. However, after a period of one year, the same type of notices have been issued directing the petitioners to vacate and hand over possession which act of the second respondent cannot be countenanced.

4.In such view of the matter, the impugned notices shall be treated as a show cause notice for which the petitioners shall file necessary documents and objections with the respondents within 30 days from the date of receipt of a copy of this order. On receipt of such objections, the authority shall consider the same and pass appropriate orders. Till such time, the petitioners shall not be evicted. The writ petition is accordingly disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

sms

To

1.The Regional Director, Municipal Administration,
Salem.

2.The Commissioner,Kulithalai Municipality,
Kulithalai.

3.The Chairman, Kulithalai Municipality,
Kulithalai.

+7CC to Mr.R.M.Sivakumar ADV.SR.No.42577 & 42578

+1CC to SP1.Government Pleader SR.No.43140

GJM27.8.15-2P-12C

Writ Petition (MD) Nos.13471 to 13477 of 2015

Dated : 31.07.2015