



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.09.2015

CORAM :

THE HONOURABLE MR.JUSTICE R.SUDHAKAR

and

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Writ Petition (MD) No.16796 of 2015

Subbammal

... Petitioner

Vs.

The Commissioner,
Tirunelveli Municipal Corporation,
Tirunelveli

... Respondent

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records of the impugned order of the respondent in Na.Ka.No.1155/2015/TP2 dated 03.09.2015 and quash the same and consequently forbear the respondent from interfering with the petitioner s peaceful possession and enjoyment of the house bearing 3-A/6 Managavalam Pillai Hospital Street Palayamkottai Tirunelveli District.

For Petitioner

: Mr.H.Arumugam

For Respondent

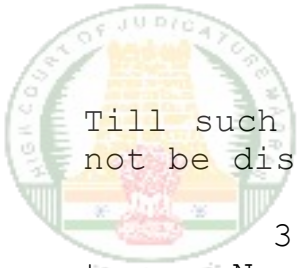
:Mr.Aayiram K.Selvakumar,
Special Government Pleader

ORDER

(Order of the Court was made by R.SUDHAKAR,J.)

Challenging the notice issued by the Commissioner calling upon the petitioner to vacate the land encroached by her in Town Survey No.1303/1, Managavalan Pillai Hospital Street, Palayamkottai, the present writ petition has been filed.

2.The primary reason for challenging the impugned proceedings is that there is gross violation of principles of natural justice as though it is termed as notice, a specific direction is issued to the petitioner directing her to vacate the land. Further, no opportunity was given to the petitioner to explain her stand that she is the owner of the property under valid title. However, considering the fact that it is termed as notice, the petitioner is entitled to give a reply to the said notice. Since the impugned notice is stated to be a notice, the authority shall not proceed on the basis that it is an order. Hence, the petitioner shall treat the same as notice and submit a reply to the notice within a period of 30 days from the date of receipt of a copy of this order. On receipt of such reply, the authority shall consider the same and pass appropriate orders.



Till such time, the petitioner's occupation of the property shall not be disturbed.

3.The writ petition stands disposed of in the above terms.* No costs. Consequently, M.P(MD)No.1 of 2015 is closed.

Sd/-

Assistant Registrar(CO)

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/True copy/

Sub Assistant Registrar

sms

To

The Commissioner,
Tirunelveli Municipal Corporation,
Tirunelveli.

+one cc to Mr.H.Arumugam, Advocate in SR.NO.55003

+two ccs to Mr.Aayiram K.Selvakumar, Advocate in SR.No.54459&54460

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CSL/JGB/06.10.2015
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