

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.05.2017

CORAM

THE HON'BLE Mr.JUSTICE R.MAHADEVAN
and
THE HON'BLE Mr.JUSTICE M.GOVINDARAJ

W.P.No.13111 of 2017
and W.M.P.No.14006 of 2017

P.Jothi

.. Petitioner

Vs

- 1.The District Collector,
Salem District.
- 2.The Regional Director,
Directorate of District Municipalities,
Salem.
- 3.The Commissioner,
Narasingapuram Municipality,
Municipality Office,
Narasingapuram,
Salem District 636 108.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of Writ of Certiorari calling for the records on the file of the 3rd respondent in Na.Ka.No.0856/2017/A4 dated 09.05.2017 and quash the same as being contrary to the principles of natural justice, illegal.

For Petitioner : Mr.A.C.Manibharathi

For Respondents : Mr.N.Sakthivel

Government Advocate

O R D E R

[Order of the court made by R.MAHADEVAN, J.]

This petition has been filed challenging the notice, issued under Section 216[1] [2] of the Tamil Nadu District Municipalities Act, 1960, directing the petitioner to demolish the unauthorised construction.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents. We have also perused the materials placed on record.

3. Learned counsel appearing for the petitioner would submit that the petitioner's building has been constructed, only with proper approval obtained from the competent authority. Without any opportunity to the petitioner, the 3rd respondent straight away issued the impugned notice, directing the petitioner to demolish the building within three days, which is illegal and requires interference.

4. Considering the facts and circumstances, treating the impugned notice dated 09.05.2017 as show cause notice, the petitioner is permitted to file his objections along with necessary documents within a period of one week from the date of receipt of a copy of this order and the 3rd respondent is directed to consider the same and pass appropriate orders in accordance with law, after granting due opportunity to the petitioner, within a period of four weeks thereafter. Till an order is passed, there shall not be any coercive action by the respondents.

5. The Writ Petition is disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

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To

1.The District Collector,
Salem District.

2.The Regional Director,
Directorate of District Municipalities,
Salem.

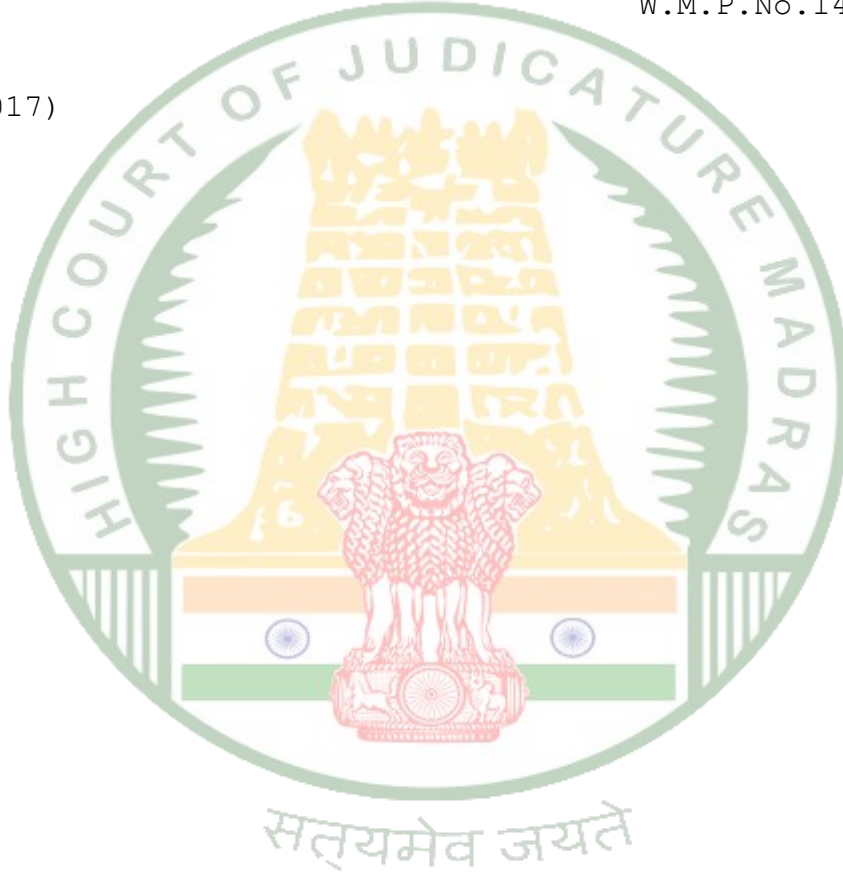
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3.The Commissioner,
Narasingapuram Municipality,
Municipality Office,
Narasingapuram,
Salem District 636 108.

+1cc to m/S.A.C. Mani Bharathi, Advocate Sr. 37649

W.P.No.13111 of 2017
and
W.M.P.No.14006 of 2017

RJ (CO)
VR(24/5/2017)



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