



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.07.2017

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. (MD) No.13470 of 2017

and

W.M.P (MD) Nos.10541 & 10542 of 2017

C.Murugesan

... Petitioner

Vs.

1.The District Collector,  
Theni District, Theni.

2.The Executive Officer,  
Palanichettipatti Town Panchayat,  
Theni District.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records pertaining to the impugned notice issued by the second respondent in his proceedings in Na.Ka.No.76/2014 dated 23.06.2017 and final notice in Na.Ka.No.76/2014 dated 11.07.2017, issued by the second respondent and quash the same as illegal and unconstitutional.

For Petitioner : Mr.A.Mithunchakravarthi  
For Respondents : Mr.J.Gunaseelan Muthiah,  
Government Advocate for R.1  
Mr.T.S.Mohammed Mohaideen,  
Additional Government Pleader  
for R.2

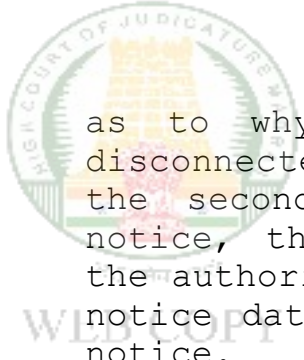
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#### ORDER

This writ petition has been filed by the petitioner to issue a Writ of Certiorari to quash the impugned notice issued by the second respondent in his proceedings in Na.Ka.No.76/2014 dated 23.06.2017 and the final notice in Na.Ka.No.76/2014 dated 11.07.2017.

2. Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the first respondent as well the learned Additional Government Pleader appearing for the second respondent.

3.The grievance of the petitioner is that though the petitioner has constructed his house and obtained water as well as connection through proper means, on the basis of a false complaint given by a third person, the second respondent by notice dated 23.06.2017, in Na.Ka.No.76/2014, asked the petitioner



as to why the water connection given to him should not be disconnected and also as to why the house tax receipts issued by the second respondent should not be cancelled. To the said notice, the petitioner furnished a reply on 28.06.2017, whereas the authorities again in a wrong notion, issued a final show cause notice dated 11.07.2017, reiterating the contents of the earlier notice. Pursuant to which, the petitioner made a reply/representation dated 18.07.2017. As the same has not been considered so far, the petitioner is before this Court.

4. When the matter was taken up for hearing today, i.e., on 24.07.2017, the learned Counsel appearing for the petitioner confines his prayer to consider the reply/representation of the petitioner dated 18.07.2017 by the second respondent as per law, which is also agreed by the learned Additional Government Pleader.

5. Under such circumstances, this Court, without going into the merits of the petitioner's claim, directs the second respondent to consider the reply/representation of the petitioner dated 18.07.2017 and pass necessary orders on its own merit and in accordance with law, after affording due opportunity of hearing to the petitioner as well as all interested parties, if any, within a period of six weeks from the date of receipt of a copy of this order. The respondents are also directed to maintain Status quo, pending disposal of the representation.

6. With the above directions, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-  
Assistant Registrar (CS-II)

/ True Copy /

Sub Assistant Registrar (C.S.)

To

1. The District Collector, Theni District, Theni.

2. The Executive Officer,  
Palanichettipatti Town Panchayat, Theni District.

+1cc to M/S.A.MITHUNCHAKRAVARTHI, Advocate SR.No.67372

+1cc to Special Government Pleader, SR.No. 67604&67965

GK

MAS/SKN-RSK/SAR4:01.08.2017:2P-5C

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