



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.09.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.16717 of 2017
and
W.M.P (MD) .No.13321 of 2017

P.Karuppiah : Petitioner
Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Commissioner,
Rajapalayam Municipality,
Rajapalayam,
Virudhunagar District.

3.The Tahsildar,
Rajapalayam Taluk,
Rajapalayam,
Virudhunagar District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records on the file of the second respondent in connection with the impugned order passed in his proceedings in Na.Ka.No.2163/2014/F1, dated 21.08.2017 and quash the same as arbitrary.

For Petitioner

: Mr.G.Thalaimutharasu

For R.1 & R.3

: Mr.T.S.Md.Mohideen
Additional Government Pleader

For Respondent No.2

: Mr.N.Dilip Kumar



O R D E R

WEB COPY

[Order of the Court was made by G.R.SWAMINATHAN, J.]

The writ petition is taken up for final disposal with the consent of both parties at the admission stage itself. In this writ petition, the writ petitioner questioned the notice dated 21.08.2017, issued by the second respondent / The Commissioner, Rajapalayam Municipality, Rajapalayam, calling upon the writ petitioner to remove the encroachments in question.

2.It is seen that the notice is in the form of final order. They are clearly violative of the principles of natural justice.

3.We, therefore, quash the same and the matter is remitted to the file of the second respondent to proceed afresh in accordance with law.

4.This Writ Petition is allowed as indicated above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(ADII)

/True Copy/

Sub-Assistant Registrar

To

1.The District Collector,
Virudhunagar District, Virudhunagar.

2.The Commissioner,
Rajapalayam Municipality,
Rajapalayam, Virudhunagar District.

3.The Tahsildar,
Rajapalayam Taluk,
Rajapalayam, Virudhunagar District.

+One cc to M/s.G.Thalaimutharasu, Advocate, SR.No.76944

+One cc to M/s.N.Dilipkumar, Advocate, SR.No.77010

+One cc to The Special Government Pleader, SR.No.76965

tsg

RL/7C/2P/JC/SAR1/22/9/2017

Order made in
W.P.(MD)No.16717 of 2017
and
W.M.P(MD) .No.13321 of 2017
dated: 05.09.2017