



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 10.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM

and

THE HONOURABLE MR.JUSTICE N.AUTHINATHAN

W.P (MD) No.6314 of 2017

and

W.M.P (MD) Nos.4993 & 4994 of 2017

D.Selvi

.. Petitioner

Vs.

1.The District Collector,
Dindigul District,
Collectorate Buildings, Dindigul.

2.The Commissioner,
Kodaikanal Municipality, Kodaikanal,
Dindigul District.

3.P.Saravanakumar,
Revenue Inspector,
Kodaikanal Municipality, Kodaikanal,
Dindigul District.

.. Respondents

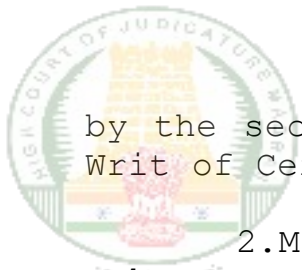
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for records pertaining to the impugned order in Na.Ka.No.094/2009/F.1 dated 22.03.2017 on the file of the respondent No.2 and quash the same as illegal and consequently to pass an order forbearing the respondents from evicting the petitioner's shop named Ex-service Man's Welfare shop covered with iron sheets to an extent of 48 sq feet at near English Club Rear Gate, Bryant Park Road, Lake Road, Kodaikanal, Dindigul District without following due process of law.

For Petitioner	: Mr.T.Lajapathi Roy
For R - 1	: Mr.M.Govindan, Special Government Pleader.
For RR 2 & 3	: Mr.T.S.Mohammed Mohideen, Additional Government Pleader.

ORDER

[Order of the Court was made by **A.SELVAM, J.**]

This Writ Petition has been filed under Article 226 of the Constitution of India praying to call for records relating to the impugned notice dated 22.03.2017 passed in Na.Ka.No.094/2009/F.1



by the second respondent and quash the same, by way of issuing a Writ of Certiorari and Mandamus.

2. Mr. M. Govindan, learned Special Government Pleader, has taken notice for the first respondent and Mr. T. S. Mohammed Mohideen, learned Additional Government Pleader, has taken notice for the second and third respondents.

3. The learned counsel appearing for the petitioner has contended to the effect that even as per order passed in W.P(MD) No. 23715 of 2016, the second respondent herein has been specifically directed to take appropriate eviction proceedings under due process of law, but the second respondent without following any procedure has simply issued the impugned notice dated 22.03.2017. Under the said circumstances, the present Writ Petition has been filed for getting the relief sought therein.

4. The learned counsel appearing for the second respondent has contended to the effect that even in the impugned notice, fifteen days time has been granted. If really the petitioner wants to give any representation, she can avail the time mentioned in the impugned notice and therefore the impugned notice can be treated as a show-cause notice.

5. Considering the fact that the second respondent has been specifically directed to take eviction proceedings as per order passed in W.P(MD) No. 23715 of 2016 and also considering the fact that even in the impugned notice, fifteen days time has been granted, this Court is of the view that the impugned notice can be treated as a show-cause notice and the petitioner can be directed to give a representation to the second respondent.

6. In fine, the petitioner is directed to give a representation to the second respondent within a period of three days and the second respondent is directed to dispose of the same within a period of five days from the date of receipt of the same. With the above observation, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (Protocol)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Dindigul District,
Collector's Buildings,
Dindigul.



2. The Commissioner,
Kodaikanal Municipality,
Kodaikanal,
Dindigul District.

+1 cc to Mr.Mr.T.S.Mohammed Mohideen , Advocate, SR.No. 51133

+1 cc to Mr.Mr.T.Lajapathi Roy, Advocate, SR.No.51402

+1 cc to Special Government Pleader, SR.No. 51459

ORDER MADE IN
W.P (MD) No. 6314 of 2017
10.04.2017

ps

MKV-JC-SAR 2/13.4.2017/3P-6C