



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 25.05.2017

CORAM:

THE HON'BLE Mr.JUSTICE M.V.MURALIDARAN
and
THE HON'BLE Mr.JUSTICE C.V.KARTHIKEYAN

W.P (MD) No.9835 of 2017
and
W.M.P (MD) No.7535 of 2017

M.Shanmugasundaram

... Petitioner / Petitioner

Vs.

1. The District Collector,
Palani Taluk,
Dindigul District.
2. The Tahsildar,
Palani Taluk,
Dindigul District.
3. The Executive Officer,
Balasamudram Town Panchayat,
Palani Taluk,
Dindigul District.

... Respondents/ Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records of the third respondent in Na.Ka.No.160/2017/E dated 12.05.2017 and quash the same as illegal.

For Petitioner : Mr.M.Kannan
For Respondents 1 & 2 : Mr.V.R.Shanmuganathan,
Special Government Pleader

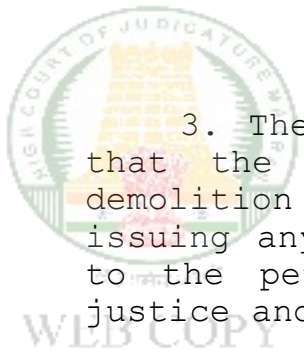
For 3rd Respondent : Mr.J.Gunaseelan Muthiah,
Government Advocate

O R D E R

(Order of the court was made by M.V.MURALIDARAN,J.)

Mr. V.R.Shanmuganathan, learned Special Government Pleader takes notice for the respondents 1 and 2. Mr.Gunaseelan Muthaiah, learned Government Advcoate takes notice for the third respondent.

2. By consent of parties, the main Writ Petition is taken up for final disposal.



3. The petitioner averred in the affidavit among other things that the third respondent has passed the impugned order for demolition of the petitioner's temple with compound wall without issuing any notice or conducting any enquiry by giving opportunity to the petitioner, which is violation of principles of natural justice and therefore, the impugned order is liable to be set aside.

4. Considering the above fact, the impugned order passed by the third respondent dated 12.05.2017 is liable to be set aside and the same is set aside. The matter is remanded back to the authorities concerned and the said authorities are directed to give personal opportunity to the petitioners as well as the necessary parties and pass orders on merits and in accordance with law and the said exercise shall be done by the respondents within a period of eight weeks from the date of receipt of copy of this order.

5. In the result, the writ petition is allowed. No costs. Consequently, connected W.M.P.(MD)No.7535 of 2017 is closed.

Sd/-
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1. The District Collector,
Palani Taluk,
Dindigul District.
2. The Tahsildar,
Palani Taluk,
Dindigul District.
3. The Executive Officer,
Balasamudram Town Panchayat,
Palani Taluk,
Dindigul District.

+1 CC to M/s.J.GUNASEELAN MUTHIAH, Advocate, SR No. 57253.

+1 CC to M/s. M.Kannan, Advocate, SR No. 22826

CM

PSM/SKN/SAR2/01.06.2017/2P/6C

**W.P (MD) No. 9835 of 2017
and**

**W.M.P (MD) No. 7535 of 2017
25.05.2017**