



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 24.07.2017

CORAM :

WEB COPY

**THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P (MD) No.22769 of 2016

and

W.M.P (MD) .Nos.16281 of 2016 and 6468 of 2017

K.Anbalagan

... Petitioner

Vs.

1.The Commissioner,
Madurai Corporation,
Madurai.

2.The Assistant Engineer,
North Zone-II,
Bharathiyar Park,
Near to Ambethkar Statue,
Alagarkovil Road, Madurai.

3.Rajamanickam

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, to call for the impugned order dated 12.11.2016 made in Ma.2/A8/08702/2016 passed by the first respondent and quash the same as illegally and devoid of merits.

For Petitioner : Mr.S.Palani Velayutham

For Respondents : Mr.R.Murali for R1
Mr.J.Jeyakumaran for R3
No appearance for R2

O R D E R

(Order of the Court was made by G.R.SWAMINATHAN, J.)

The petitioner herein questions the notice dated 12 November 2016 issued by the first respondent.

2.Even though first para of the impugned notice reads that the petitioner should remove the construction in question within seven days, in the second para liberty is given to the petitioner to



submit his objection. Only in the event of failure on the part of the petitioner to submit his objection, order would be made absolute. Therefore we sustain the impugned notice, since it is only a show cause notice. However, we give three weeks time to the petitioner to submit his objections and only thereafter, the first respondent shall pass order in accordance with law. The first respondent shall issue notice to the owner of the premises as indicated in the concerned revenue records.

3.This writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (Crl.Side)

/True Copy/

Sub-Assistant Registrar

To

1.The Commissioner,
Madurai Corporation,
Madurai.

2.The Assistant Engineer,
North Zone-II,
Bharathiyar Park,
Near to Ambethkar Statue,
Alagarkovil Road, Madurai.

+One cc to Mr.J.Jeyakumaran, Advocate, SR.No.67214

+One cc to Mr.R.Murali, Advocate, SR.No.67415

+One cc to Mr.S.Palanivelayutham, Advocate, SR.No.67436

skm/Arul

RL/6C/2P/MR/KKR/SAR1/1/8/2017

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