



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.07.2017

CORAM:

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

W.P.(MD)No.11697 of 2013

and

M.P.(MD).No.1 of 2013

R.Jeyalakshmi

... Petitioner

Vs.

1.The Executive Officer,
Nerkuppai Town Panchayat,
Thirupathur Taluk,
Sivagangai District.

2.B.Sanjeevi Raja,
The President,
Nerkuppai Town Panchayat,
Thirupathur Taluk,
Sivagangai District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order dated 12.07.2013 in Na.Ka.No.1076/2012 and quash the same and consequently, forbear the respondents from interfering with petitioner's peaceful possession and enjoyment of the property situated in S.No.722/8 in Nerkuppai Village, Tirupathur Taluk, Sivagangai District without following due process of law.

For petitioner : Mr.S.Sekar
For Respondents : Mr.K.R.Singaravadivel
for Mr.J.Gunaseelan Muthiah

O R D E R

[Order of the Court was made by K.K.SASIDHARAN,J.]

This Court earlier passed an order dated 13.03.2013 in W.P. (MD).No.1337 of 2013, directing the first respondent to issue notice to the petitioner and take a decision as to whether the construction made by her in the property in Survey No.722/8 in Nerkuppai Village, Tirupathur Taluk, Sivagangai District, is liable to be demolished. The first respondent appears to have passed the order of eviction without issuing notice to the petitioner.



2. We have heard the learned counsel appearing for the petitioner and the learned counsel for the respondents.

3. The impugned order does not contain any material suggesting that notice was given to the petitioner before passing the order. We are therefore of the considered view that the matter requires fresh consideration by the first respondent.

4. The impugned order dated 12.07.2013 is set aside. The matter is remitted to the first respondent for fresh consideration. The first respondent is directed to issue notice to the petitioner and pass orders as per law after taking into account the response.

5. The writ petition is allowed as indicated above. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar.

To
The Executive Officer,
Nerkuppai Town Panchayat,
Thirupathur Taluk,
Sivagangai District.

+1CC to Mr.J.Anand Kumar, Advocate, SR.No. 63867

W.P.(MD)No.11697 of 2013
06.07.2017

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