

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.04.2018

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE P.RAJAMANICKAM

WP.No.10899/2018 & WMP.No.12831/2018

Rani @ Azhagu Rani .. Petitioner
President Adhiparasakthi
weekly prayer centre cuddalore District

Versus

1.The Tahsildar
Kattumannarkoil
Cuddalore District.

2.The Executive Officer
Kattumannarkoil Town Panchayat
Cuddalore District.

.. Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari calling for the records in Na.Ka.A.3/89/2018 dated 09.04.2018 issued by the 2nd respondent and quash the same.

For Petitioner : Mr.A.S.Baalaji

For Respondents : Mr.R.Udhayakumar, AGP

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.,]

By consent, the writ petition is taken up for final disposal. Mr.R.Udhayakumar, learned Additional Government Pleader accepts notice on behalf of the respondents.

2 The petitioner claims to be the President of "Adhiparasakthi Weekly Prayer Centre" at Udayarkudi. The petitioner would aver that the Kaatumannarkoil Town Panchayat has passed a Resolution in No.36 dated 21.04.1986, handing over a vacant land, admeasuring to an extent of 36x15 square feet in

favour of the said centre and accordingly, vide proceedings dated 25.04.1986, the Panchayat has directed Mr.C.Rathinasabapathy, No.9, East Street, Udayarkudi Village, Kattumannarkoil, to keep in possession, South North - 6 feet and East West - 14 feet and hand over the remaining portion of the land to the said Centre and accordingly, it is handed over and at present, it is used for the said purpose. The petitioner would further aver that to her shock and surprise, the 2nd respondent has issued the impugned Notice by invoking the provisions of section 180 of the Tamil Nadu District Municipalities Act, 1920, dated 09.04.2018 and challenging the same, the petitioner came forward to file the present writ petition.

3 The learned counsel for the petitioner would submit that the fact remains that the Local Body has handed over the said site and it has been taken over and as on date, the Prayer Hall is functioning for at least two decades and without affording any opportunity to the petitioner, whatsoever to explain her stand, steps are being taken to dispossess here and therefore, prays for appropriate orders.

4 Per contra, Mr.R.Udhayakumar, learned Additional Government Pleader appearing for the respondents would submit that the action is being taken strictly in accordance with law and as such, the petitioner cannot express any grievance.

5 This Court has considered the rival submissions and perused the materials placed before it.

6 Though the petitioner has prayed for a larger relief, this Court, taking into consideration, the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the 2nd respondent to treat the impugned notice dated 09.04.2018 as Show Cause Notice, for which, the petitioner is at liberty to submit her response by enclosing all relevant and authenticated documents within a period of four weeks from the date of receipt of a copy of this order and upon receipt of the same, the 2nd respondent shall entertain the same and after affording an opportunity of personal hearing to the petitioner, shall consider and dispose of the said representation on merits and in accordance with law within a further period of six weeks thereafter and communicate the decision taken, to the petitioner. The 1st respondent, till the disposal of the representation, to be submitted by the petitioner in pursuant to the orders passed in this writ petition, shall defer further decision in terms of the impugned notice dated 09.04.2018. It is also made clear that the petitioner, till the disposal of the representation, shall not create any third party rights in respect of the site and superstructure in question and shall not alter the physical

features also.

7 It is also open to the concerned officials to find out whether the superstructure used as the Prayer Hall, is authorised and whether necessary permission has been accorded by the Collectorate of Cuddalore District to run for that purpose and depending upon the same, they are also at liberty to take appropriate action in accordance with law.

8 The writ petition stands disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

AP

To

1.The Tahsildar
Kattumannarkoil
Cuddalore District.

2.The Executive Officer
Kattumannarkoil Town Panchayat
Cuddalore District.

COPY TO:-

The Collector
Cuddalore District.

+1 cc to M/s.A.S.Baalaji Advocate sr 31563

+1 cc to the Govt Pleader High Court Madras sr 32275

WP.No.10899/2018

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