



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2018

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
AND
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN**

W.P.[MD] No.21648 of 2018
and W.M.P.(MD) Nos.19550 and 19551 of 2018

S.Ponnammal : Petitioner

Vs.

The Commissioner,
Madurai Corporation,
Madurai.

: Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the entire records pertaining to the impugned notice in dated 08.10.2018 issued by the respondent and quash the same as illegal.

For Petitioner : Mr.C.M.Arumugam
For Respondent : Mr.N.Shanmugaselvam

O R D E R

[Order of the Court was made by S.S.SUNDAR, J.]

This Writ Petition has been filed for issuing a Writ of Certiorari to quash the impugned notice of the respondent dated 08.10.2018.

2.The impugned order dated 08.10.2018 is an order of eviction issued under Sections 236, 256, 257, 258, 472, 473 and 503 of Madurai Corporation Act. The learned counsel appearing for the respondent admitted that the impugned order has been passed without issuing a show cause notice.

3.The learned counsel appearing for the petitioner states that the petitioner was constrained to file a writ petition earlier with the same relief in respect of the similar action. Despite the fact that the said writ petition was allowed with a direction to the respondent to proceed further only after issuing show cause notice, no show cause notice has been issued before ordering eviction.



4.Considering the above submissions, this Court is of the view that the impugned order is liable to be set aside. However, in order to save time, this Court is inclined to pass the following order:

(i) The impugned order dated 08.10.2018 shall be treated as Show Cause Notice.

(ii) The petitioner is given liberty to file her objection/explanation to the notice within a period of two weeks from the date of receipt of a copy of this order.

(iii) After receiving the objection/explanation from the petitioner, it is open to the respondent to pass appropriate orders on merits and in accordance with law, after affording opportunity of personal hearing to the petitioner.

5.This Writ Petition stands disposed of with the above directions. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar (CS-I)

To

The Commissioner,
Madurai Corporation,
Madurai.

+ 1 CC TO Mr.C.M.ARUMUGAM, ADVOCATE IN SR No. 90903

SJ
TE/RP/SAR-4 : 30/10/2018 : 2P/3C

Order made in
W.P.[MD].No.21648 of 2018
Dated:16.10.2018