



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.08.2018

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
AND
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR**

W.P.[MD].No.18972 of 2018
and
W.M.P.(MD).No.16807 of 2018

A.Ponnuthai : Petitioner

Vs.

1.The District Collector,
Theni District, Theni.

2.The Commissioner,
Cumbum Municipality,
Cumbum, Theni District.

: Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records pertaining to the impugned order passed by the second respondent in his proceedings in Na.Ka.No.1026/2017/F1, dated 29.06.2018 and quash the same as illegal.

For petitioner : Mr.A.Chandrakumar
For respondents : Mr.VR.Shanmuganathan
Special Government Pleader

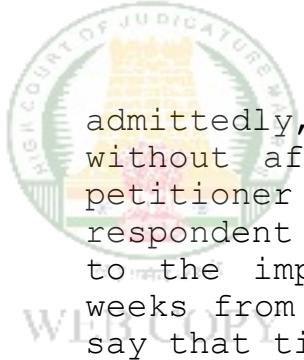
O R D E R

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

Challenge in this Writ Petition is to the notice dated 29.06.2018 issued by the second respondent herein, in and by which, the petitioner has been directed to remove the encroachment made by her within fifteen days.

2. The only submission made by the learned counsel appearing for the petitioner is that the impugned order, having civil consequences, has been passed without affording opportunity of hearing to the petitioner. It is further submitted that the petitioner had already given her explanation.

3. Considering the above, we direct the petitioner to treat the impugned notice dated 29.06.2018 as a show cause notice, as,



admittedly, it has got civil consequences and has been passed without affording opportunity to the petitioner. Inasmuch as the petitioner had already submitted her explanation, the second respondent shall consider the same and pass final orders, pursuant to the impugned notice dated 29.06.2018, within a period of six weeks from the date of receipt of a copy of this order. Needless to say that till such time, status-quo as-on-today shall be maintained

4. The Writ Petition is disposed of on the above terms. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar (CS-II)

To

1.The District Collector,
Theni District, Theni.

2.The Commissioner,
Cumbum Municipality,
Cumbum, Theni District.

+1CC TO MR.A.CHANDRAKUMAR ADVOCATE IN SR.No.81443.

+1CC TO SPECIAL GOVERNMENT PLEADER IN SR.No.81914.

NB

DS SV SAR-2 :04.09.2018: 2P/5C

ORDER MADE IN
W.P. [MD] .No.18972 of 2018
31.08.2018