

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2019

CORAM :

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.8534 of 2019 and
W.M.P.No.9050 of 2019

Thakira

.. Petitioner

v.

The Commissioner
Villupuram Municipality
Villupuram

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari, to call for the records in Notice dated 09/03/2019 issued by the respondent in Na.Ka.No. 6602 /2017 / F 2 and quash the same as illegal, incompetent and unconstitutional.

For Petitioner : Mr.J.Sudhakaran
For Respondents : Mr.P.Srinivas
Standing Counsel

O R D E R

(Order of the Court made by M.DURAI SWAMY,J.)

The petitioner has filed the above Writ Petition to issue a Writ of Certiorari to call for the records in respect of the Notice dated 09.03.2019 issued by the respondent and to quash the same.

2. It is the case of the petitioner that the impugned notice dated 09.03.2019 was issued for demolishing the unauthorized construction put up in No.14, Vandimedu (Hospital Road), within the Villupuram limits, without giving an opportunity of personal hearing to the petitioner.

3. On the earlier occasion, one A.Jahir Hussain has filed a Writ Petition in W.P.No.19100 of 2017 to issue a Writ of Mandamus, directing the Commissioner, Villupuram Municipality to demolish the unauthorized construction in the Wakf Property at S.Nos.347/1, 340/1 to 28 and 536/1, Vandimedu, Villupuram Taluk, put up by the respondents 4 to 6 therein. The present petitioner is the wife of the 4th respondent in the earlier Writ Petition. The Division Bench of this Court, by order dated 26.07.2017, directed the 2nd respondent-the Commissioner, Villupuram Municipality, to issue notice to the private respondents and thereafter take further action, in accordance with law, in the light of the communication dated 17.05.2017.

4. Pursuant to the order passed by the Division Bench of this Court, the 2nd respondent issued a notice dated 21.09.2017 under section 216 (1)(2) of the Tamil Nadu District Municipalities Act, 1920 and thereafter passed the impugned notice dated 09.03.2019.

5. In the earlier Writ Petition, no direction was given to the authorities to give personal hearing to the petitioner. In such case, the petitioner cannot seek for personal hearing prior to the passing of the impugned notice.

6. When the petitioner has put up construction without any building permission from the 2nd respondent-Municipality, no indulgence can be shown to the petitioner. The order dated 09.03.2019 passed by the respondent is just and proper. We do not find any merit in the Writ Petition. Accordingly, the Writ Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Rj

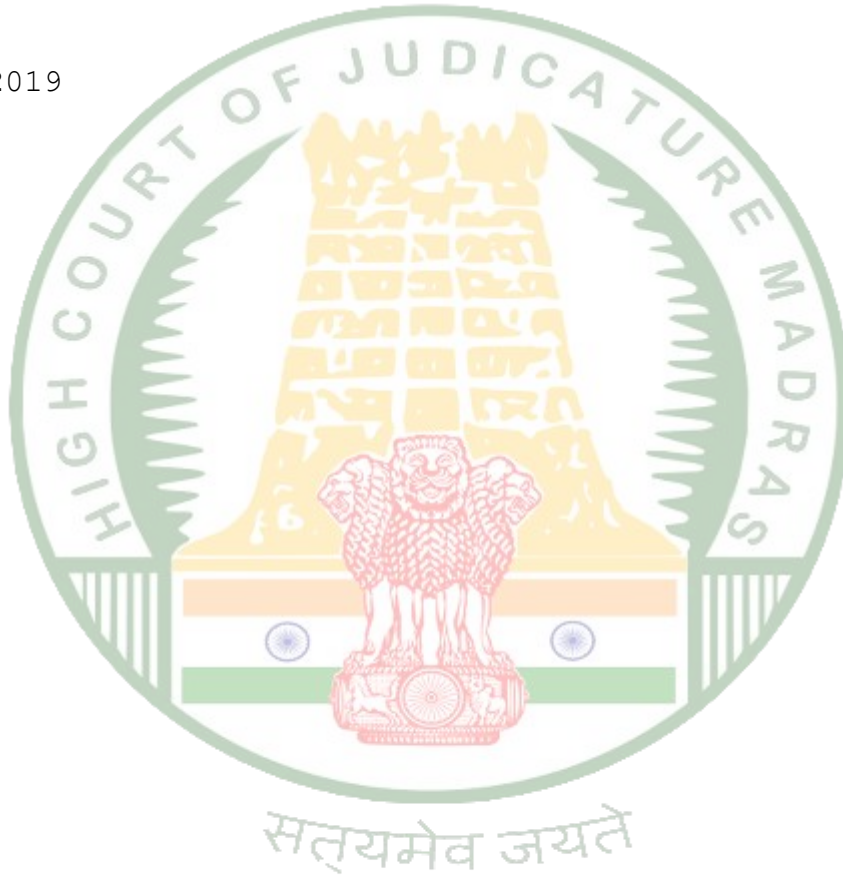
To

The Commissioner
Villupuram Municipality
Villupuram

+1cc to Mr.P.Srinivas, Advocate sr.no.31381
+1cc to Mr.J.Sudhakaran, Advocate sr.no.31805

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