

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2019

CORAM :

The Hon'ble Mrs.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.30400 of 2018
and W.M.P.No.35467 of 2018

S.Chengalvaraya Mudaliar ... Petitioner

-vs-

1. The Commissioner,
Kancheepuram Municipality,
Annai Indira Gandhi Salai,
Kancheepuram Town.

2. The District Collector,
Kancheepuram District,
Kancheepuram.

3. Rajendran ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari to call for the records of the 1st respondent relating to the passing of the impugned order of notice issued in proceeding No.Na.Ka.2344/2011/F2 dated: 17.09.2018 and quash the same.

For Petitioner : Mr.R.Ramanlal

For Respondents : Mr.G.B.Rajesh
Stdg. Counsel for R-1
: Mr.S.Kamalesh Kannan
Govt. Advocate for R-2
: Mr.E.Suganthan
for M/s.Nathan & Asso. for R-3

O R D E R
(Order of the Court was made by M.DURAISWAMY, J.)

The above writ petition has been filed to issue a writ of certiorari to call for the records of the first respondent relating to the impugned order dated 17.09.2018 and to quash the same.

2.It is the case of the petitioner that the first respondent had passed the impugned order dated 17.09.2018 without issuing any show cause notice to him, as directed in the order dated 17.10.2012 passed in W.P.No.28306 of 2012.

3.The learned counsel appearing for the first respondent submitted that the impugned order dated 17.09.2018 has been passed only in respect of the premises situated in T.S.No.372/1, which was previously a petty shop and now, converted as a temple.

4.On a perusal of the impugned order dated 17.09.2018, it could be seen that the impugned order has been passed to evict the petitioner from the premises within seven days from the date of receipt of that order.

5.The learned counsel appearing for the first respondent submitted that the impugned notice dated 17.09.2018 may be treated as a show cause notice and the petitioner may be directed to give his reply to the same and thereafter, the first respondent may be directed to pass an order afresh. The learned counsel for the petitioner is also agreeable to treat the impugned order as a show cause notice and to give his reply thereon.

6.In view of the submissions made by the learned counsel on either side, we direct the parties to treat the impugned order dated 17.09.2018 as a show cause notice and the petitioner is directed to give his reply to the same within ten days from the date of receipt of a copy of this order. The first respondent is directed to pass a fresh order, after considering the reply to be given by the petitioner as expeditiously as possible.

With the above observations, the writ petition is disposed of. No costs. Consequently, W.M.P.No.35467 of 2018 is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

sra

To

1. The Commissioner,
Kancheepuram Municipality,
Annai Indira Gandhi Salai,
Kancheepuram Town.

2. The District Collector,
Kancheepuram District,
Kancheepuram.

+1cc to Mr.R.Ramanlaal, Advocate, S.R.No. 48876

+1cc to the Government Pleader, S.R.No. 48814

W.P.No.30400 of 2018

PA (CO)
RMP (01/07/2019)



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