

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

Dated: 27.06.2019

CORAM:

THE HON'BLE MR.JUSTICE K.RAVICHANDRABAABU**and****THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY****W.P. (MD) No.14385 of 2019****and****W.M.P. (MD) No.10827 of 2019**

Perumayee

... Petitioner

vs.

The Commissioner (In-charge)
Gundalur Municipality,
Theni District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records pertaining to the impugned notice issued by the respondent in his proceedings in Na.Ka.No.611/2017/F1 dated 18.06.2019 and quash the same.

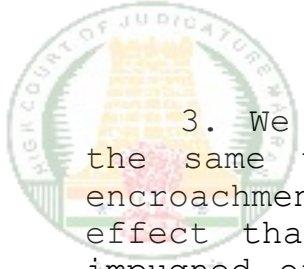
For Petitioner : Mr.J.Ayyappan

For Respondent : Mr.M.Karuppasamy,
Government Advocate

O R D E R(Order of this Court was made by **K.RAVICHANDRABAABU, J.**)

The petitioner is aggrieved against the proceedings issued by the respondent dated 18.06.2019 wherein and whereby, he was called upon to remove the encroachments at S.Nos.1463/2, 1463/1 and 1463/3 of Gundalur Municipality, Uthamapalayam Taluk, Theni District.

2. Apart from raising very many contentions on the rights of the petitioner to retain possession of the subject matter property, it is mainly contended that the respondent has not put on notice to the petitioner before passing the impugned proceedings. Therefore, it is contended that the principles of natural justice is violated.



3. We have perused the impugned proceedings. It is seen that the same was issued calling upon the petitioner to vacate the encroachments within seven days. There is no indication to the effect that the petitioner was put on notice before passing the impugned order. Therefore, we are of the view that the respondent should hear the petitioner and thereafter, pass appropriate orders on merits and in accordance with law. Accordingly, this Writ Petition is disposed of in the following terms:

- (a) the petitioner and the respondent shall treat the impugned proceedings as notice to show cause;
- (b) Consequently, the petitioner is directed to file her reply / objections, by raising all her objections, within a period of two weeks from the date of receipt of a copy of this order and
- (c) On receipt of such reply/objections, the respondent shall pass a speaking order within a period of four weeks thereafter.

4. Since this Court has not expressed any view on the merits of the claim made by both the parties, it is open to the petitioner to raise all her contentions and it is open to the respondent to consider those contentions and pass orders on merits and in accordance with law. Till such an order is passed by the first respondent, the *status quo*, as on today, shall be maintained. No costs. Consequently, connected W.M.P.(MD) No.10827 of 2019 is closed.

Sd/-

Assistant Registrar (RTI)

/ True Copy /

Sub Assistant Registrar (CS-)

sts

To
The Commissioner (In-charge)
Gundalur Municipality,
Theni District.

+1 cc to Mr.J.Ayyappan, Advocate, SR.No.10619

Order made in
W.P. (MD) No.14385 of 2019
Dated: 27.06.2019