

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P.No.6441 of 2020
and
W.M.P.No.7611 of 2020

Elizabeth Rani

... Petitioner

Vs

The Sarkarsamakulam Selection Grade
Town Panchayat,
Annur Taluk,
Coimbatore.
Rep.by its Executive Officer.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the
Constitution of India praying for issuance of Writ of
Certiorari, calling for the order of respondent made in
Na.Ka.No.555 of 2019 dated 03.01.2020 and to quash the same.

For Petitioner : Mr.G.Jeremiah

For Respondent : Mr. P.S. Sivashanmuga Sundaram,
Special Government Pleader.

O R D E R

(Order of the court was made by N.KIRUBAKARAN.J.,)

The Petitioner has come before this Court seeking to call
for the order of respondent made in Na.Ka.No.555 of 2019 dated
03.01.2020 and quash the same.

2.The Petitioner states that he obtained building plan to
put up construction on Plot No.49, Kumaran Nagar,
Sarkarsamakulam Village and Town Panchayat, Annur Taluk,
Coimbatore District comprised in S.No.599 having an extent of
1763 sq.ft. It is further submitted that the Petitioner has sent
a representation dated 30.11.2019 in reply to the show cause

notice issued by the Respondent dated 27.11.2019. However, without considering the same, the authorities issued temporary order on 26.12.2019 to stop the construction and to show cause as to why the Petitioner should not be evicted.

3.Further, it is seen that since no reply has been given, the Respondent had issued the impugned order dated 03.01.2020 to remove the unauthorized construction as the Petitioner is said to have put up construction contrary to the building plan obtained by him on 29.11.2019. The said impugned order is challenged before this Court.

4.Heard Mr.G.Jeremiah, learned Counsel for the Petitioner and Mr.P.S.Sivashanmuga Sundaram, learned Special Government Pleader for the Respondent.

5.Since the Petitioner would contend that no notice has been given and no enquiry has been conducted before passing the final order, this Court directs the parties to consider the final order passed as show cause notice and the Petitioner shall give reply to the same within a period of two weeks from the date of receipt of a copy of this order. On such reply, the Respondent shall give audience to the Petitioner and make inspection of the property and decide the matter within a period of twelve weeks thereafter. Till the enquiry is conducted and the copy of the order is served upon the Petitioner, the Petitioner is prohibited from making any further construction and similarly, the Respondent is directed not to interfere with the possession of the Petitioner.

6.With the above directions, this Writ Petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

सत्यमेव जयते
Sd/-
Assistant Registrar

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Sub Assistant Registrar

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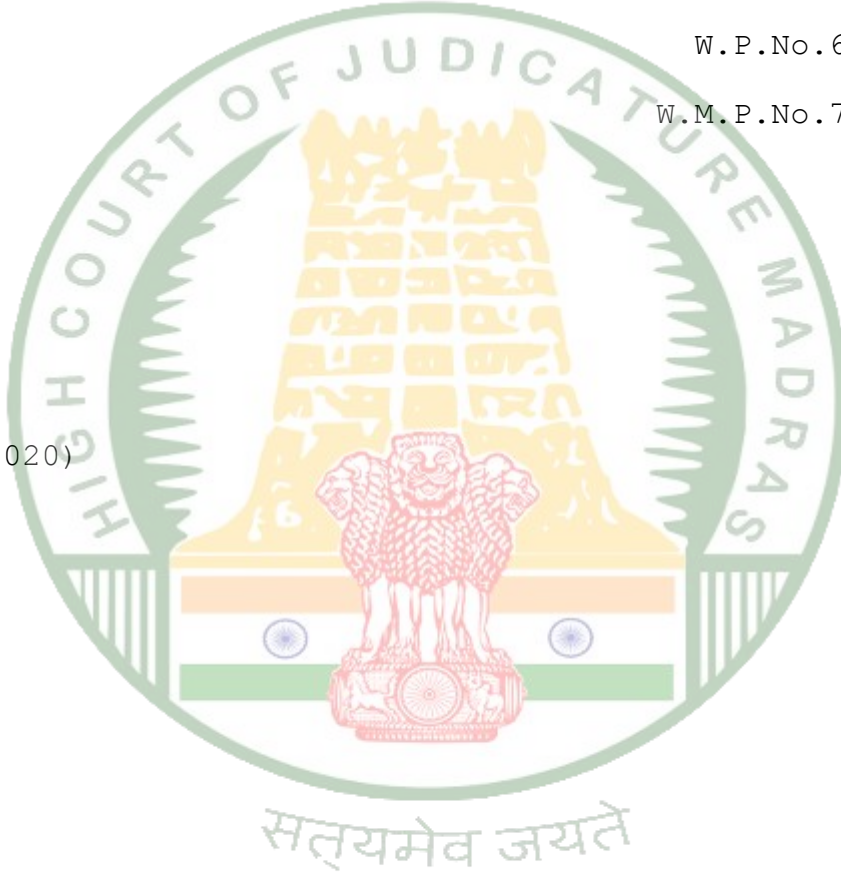
To

The Executive Officer,
Sarkarsamakulam Selection Grade Town Panchayat,
Annur Taluk,
Coimbatore.

+1cc to Mr.B.Nambiselvan, Advocate, Sr.No.23818

W.P.No.6441 of 2020
and
W.M.P.No.7611 of 2020

VBA (CO)
GS (27/07/2020)



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