



WEB COPY

W.P (MD) No.58 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.02.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DURAISWAMY

AND

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

W.P (MD) No.58 of 2020

and

W.M.P. (MD) Nos.30 and 32 of 2020

Prithiviraj

... Petitioner

Vs.

The Commissioner,
Thirumangalam Municipality,
Thirumangalam,
Madurai District.

... Respondent

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order of the respondent dated 17.12.2019 in his proceedings in Na.Ka.No.1670/2019/F1 and quash the same as illegal, consequently forbearing the respondent from evicting the petitioner from his peaceful possession and enjoyment of the property in Door No.70/1, in S.F.No.136/2 of Sengulam Village, Thirumangalam Taluk, Madurai District without following due process of law.

For Petitioner : Mr.T.Vadivelan

For Respondent : Mr.A.Kannan

ORDER

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

The petitioner has filed the above writ petition to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order of the respondent dated 17.12.2019 in his proceedings in Na.Ka.No.1670/2019/F1 and quash the same and consequently forbearing the respondent from evicting the petitioner from his peaceful possession and enjoyment of the property in Door No.70/1, in S.F.No.136/2 of Sengulam Village, Thirumangalam Taluk, Madurai District without following due process of law.



2. The only contention raised by the learned Counsel for the petitioner is that the respondent had passed the impugned order dated 17.12.2019 without considering his reply dated 02.11.2019.

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3. On perusal of the impugned order dated 17.12.2019, it is clear that the respondent had not considered the petitioner's reply dated 02.11.2019. When the petitioner had given his reply, the respondent should have considered the reply submitted by him and passed the orders in accordance with law.

4. In such view of the matter, we set aside the impugned order dated 17.12.2019 and remit the matter back to the respondent for fresh consideration. The respondent is directed to consider the petitioner's reply dated 02.11.2019 and pass orders afresh on merits and in accordance with law as expeditiously as possible.

5. With these directions, this writ petition is allowed. No costs. Consequently, the connected writ miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

rsb

To

The Commissioner,
Thirumangalam Municipality,
Thirumangalam,
Madurai District.

+1 CC to M/s.A.KANNAN, Advocate (SR-5569[F] dated 11/02/2020)

W.P (MD) No. 58 of 2020

and

W.M.P. (MD) Nos. 30 and 32 of 2020

10.02.2020

db (CO)

TR (11.02.2020) 2P 3C