



WEB COPY

W.P(MD)No.1690 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.01.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

W.P(MD)No1690 of 2020

and

W.M.P. (MD)Nos.1422 and 1423 of 2020

K.A.Mohammed Ali

... Petitioner

Vs.

The Executive Officer,
Pallapatti Town Panchayat,
Karur District.

... Respondent

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari calling for the records relating to the impugned order passed by the respondent in his proceedings in Na.Ka.No.253/2018, dated 20.01.2020 (impugned order served on the petitioner on 23.01.2020) and quash the same as illegal.

For Petitioner : Mr.Mohammed Imran
for
M/s.Ajmal Associates

For Respondent : Mr.M.Rajarajan

ORDER

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

The petitioner has filed the above writ petition to issue a Writ of Certiorari calling for the records relating to the impugned order passed by the respondent in his proceedings in Na.Ka.No.253/2018, dated 20.01.2020 and to quash the same.

2.It is the case of the petitioner that earlier the petitioner was issued with a notice under Section 182 of the Tamil Nadu District Municipalities Act, 1920, for removing the encroachment, which was challenged before this Court in W.P.(MD) No.22791 of 2018 and the Hon'ble Division Bench, by order dated 22.11.2018, directed the petitioner to treat the notice dated 22.10.2018 issued under Section 182 of the Act, as a show cause notice and give his reply and further directed the respondent to consider the same and pass orders afresh. Pursuant to the order

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passed by the Hon'ble Division Bench in the writ petition, the petitioner gave his explanation on 01.12.2018. Now, it is the contention of the petitioner that without considering his explanation, the respondent had again passed the impugned order, dated 20.01.2020.

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3.On perusal of the impugned order, dated 20.01.2020, it is clear that the respondent had not considered the explanation given by the petitioner. In these circumstances, the learned counsel appearing for the respondent submitted that the respondent would consider the explanation, dated 01.12.2018, given by the petitioner and pass orders afresh within a weeks time.

4.In view of the submission made by the learned counsel appearing on either side, the impugned order, dated 20.01.2020 is set aside. The respondent is directed to consider the petitioner's explanation, dated 01.12.2018 and pass orders afresh on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order.

5.With these observations, the writ petition is allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

The Executive Officer,
Pallapatti Town Panchayat,
Karur District.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-3706[F] 29/01/2020)

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and

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29.01.2020

rj2

SDS(30.01.2020) 2P-3C