



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

W.P (MD) No.3758 of 2020

and

W.M.P (MD) No.3185 of 2020

P.Muthirulandi

... Petitioner

Vs.

1.The Commissioner,
Tiruchirappalli Corporation,
Tiruchirappalli.

2.The Assistant Commissioner,
K.Abisekapuram Division,
Tiruchirappalli Corporation,
Tiruchirappalli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records in pursuant to the impugned order passed by the second respondent in his proceedings in Na.Ka.No.F1/1992/2020 (Ko.Abi) dated 05.02.2020 and quash the same.

For Petitioner : Mr.K.Balasubramani

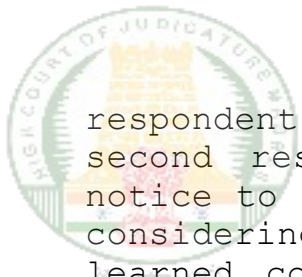
For Respondents : Mr.S.Saji Bino

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, to call for the records pursuant to the impugned order passed by the second respondent dated 05.02.2020 and to quash the same.

2.It is the case of the petitioner that the Division Bench of this Court while disposing of the Writ Petition in W.P(MD)No.19828 of 2019 by order dated 17.09.2019 had directed the first



respondent / the Commissioner, Trichy Corporation, Trichy and the second respondent / Tahsildar, Trichy West, Trichy to issue notice to the petitioner and one Karunanidhi and pass orders after considering their reply in accordance with law. Further, the learned counsel appearing for the petitioner submitted that the second respondent had passed the impugned order dated 05.02.2020, without issuing notice to the petitioner, calling upon him to remove the encroachment as directed in the earlier Writ Petition.

3.Mr.S.Saji Bino, learned counsel taking notice for the respondents submitted that the impugned order dated 05.02.2020 may be treated as a show-cause notice and the petitioner may be directed to give a reply within a prescribed time and thereafter, the second respondent would pass suitable orders after considering the reply to be given by the petitioner.

4.Having regard to the submissions made by the learned counsel appearing on either side, the impugned order dated 05.02.2020 is set aside. The petitioner is directed to treat the impugned notice dated 05.02.2020 as a show-cause notice and give a reply to the same within a period of one week from the date of receipt of a copy of this order and the second respondent is directed to pass a fresh order, after considering the reply to be given by the petitioner and also after giving an opportunity of personal hearing to the petitioner, as expeditiously as possible.

5.With these observations, the Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

ps

To

1.The Commissioner,
Tiruchirappalli Corporation,
Tiruchirappalli.



2. The Assistant Commissioner,
K. Abisekapuram Division,
Tiruchirappalli Corporation,
Tiruchirappalli.

+1 CC to M/s. K. BALASUBRAMANI, Advocate (SR-8135[F] dated
25/02/2020)

+1 CC to M/s. S. SAJI BINO, Advocate (SR-8529[F] dated 26/02/2020)

W.P (MD) No. 3758 of 2020
25.02.2020

SS (CO)
TR (09.03.2020) 3P 5C