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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 24.09.2021

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THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P.Nos.18374, 18377 & 18378 of 2021
and W.M.P.Nos.19581, 19584 & 19587 of 2021

Palaniammal	... Petitioner in W.P.No.18374 of 2021
M.Selvaraj	... Petitioner in W.P.No.18377 of 2021
M.Ramamurthy	... Petitioner in W.P.No.18378 of 2021

-vs-

1.The District Collector
Salem.

2.The Executive Officer
Karruppur Panchayat
Salem District.

... Respondents in all the W.P's.

PRAYER in all Writ Petitions: Writ Petitions filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to Na.Ka.No.93/2020 dated 20.07.2021 issued by the 2nd respondent to quash the same and direct the respondents not to disconnect the water supply without any due process of law.

In all the W.P's.:

For petitioner in all W.Ps'	:	Mr.K.V.Dhanapalan
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For respondents in all W.Ps'	:	Mrs.Akila Rajendran Government Counsel for R1 Mr.C.Jayaprakash, Standing Counsel for R2
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COMMON ORDER

(Order of the Court was made by K.KALYANASUNDARAM, J.,)

Heard Mr.K.V.Dhanapalan, learned counsel for the petitioners; Mrs.Akila Rajendran, learned Government Counsel for the first respondent; Mr.C.Jayaprakash, learned Standing Counsel for the second respondent and perused the materials available on record.

2. These Writ Petitions have been filed for issuance of a Writ of Certiorarified Mandmaus to quash the order of the second respondent dated 20.07.2021 in Na.Ka.No.93/2020 and consequently, direct the respondents not to disconnect the water supply without any due process of law.

3. It is contended by the learned counsel appearing for the petitioners that no provisional order has been passed before issuing the impugned orders and they have been issued in violation of the principles of natural justice.

4. The learned Government Counsel appearing for the first respondent would state that these Writ Petitions have been filed challenging the show cause notices and final orders would be passed under Section 216 (1) (i)(a) of the Tamil Nadu District Municipalities Act. According to the learned counsel, these writ petitions are premature and they are liable to be dismissed in limini.

5. The learned Standing Counsel appearing for the second respondent argued that the second respondent prima facie satisfied that the writ petitioners have put up unauthorized construction in their land and if the petitioners submit a reply, a final order will be passed in accordance with law.

6. Perusal of the orders impugned show that they are only show cause notices issued under Section 216 (1) (i)(a) of the Tamil Nadu District Municipalities Act. So, we find force in the submissions of the learned counsel appearing for the respondents.

7. It is an admitted fact that the petitioners have not sent any reply and they have rushed to this Court by filing these writ petitions. Hence, we thought it fit and proper two weeks time to the petitioners to give their reply/explanation to the second respondent. On such receipt, the second respondent shall conduct enquiry and pass orders in accordance with law, after providing ample opportunity of hearing to the petitioners. Till such time, the respondents shall not precipitate the matter.



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8. With the above directions, these Writ Petitions are disposed of. There is no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector,
Salem.

2.The Executive Officer,
Karruppur Panchayat,
Salem District.

+1cc to M/s.T.Fennwalter Associates, Sr No.49723

W.P.Nos.18374, 18377 & 18378 of 2021

SPD (CO)
PR (27/10/2021)