



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.02.2021**

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS. JUSTICE S.ANANTHI

W.P. (MD)Nos.1861 and 1862 of 2021

and W.M.P. (MD) Nos.1600 and 1601 of 2021

(Through Video Conferencing)

Abirami : Petitioner in
W.P.(MD) No.1861/2021
Balakrishnan : Petitioner in
W.P. (MD) No.1862/2021

Vs.

The Commissioner
Dindigul Municipality
Dindigul. : Respondent in both
W.Ps.

PRAYER: Petitions are filed under Article 226 of the Constitution of India praying for the issue of a Writs of Certiorari to call for the records pertaining to the impugned notice in Na.Ka.No.7840/2020/F1 dated 20.01.2021 on the file of the respondent issued under Sections 258(1), 441 of Dindigul Municipal Corporation Act 2013 and quash the same.

For Petitioner : Mr.N.Anandakumar
For Respondents : Mr.J.Lawrance

COMMON ORDER

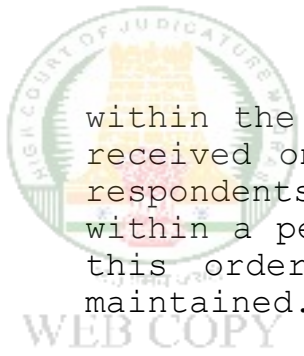
(Order of the Court was made by M.M.SUNDRESH, J.)

The petitioners have challenged the impugned notice dated 20.01.2021, by which, they were asked to remove the encroachment within seven days.

2. The learned counsel for the petitioners submitted that the earlier show cause notice dated 04.01.2021 received on 05.01.2021, reply was given on 18.01.2021. Though it was received by the respondent on the same day, impugned order has been given.

3. The learned counsel for the respondent Corporation submitted that admittedly the petitioners have encroached the land and they have not sent representations within time.

4. We neither would go into the merits of the case nor the controversy with the representations have been received belatedly or
<https://hcservices.ecourts.gov.in/hcservices/>



within the time. Suffice it to state that the representations were received on 20.01.2021. In such view of the matter, we direct the respondents to pass a fresh final order, after considering the same within a period of four weeks from the date of receipt of a copy of this order. Till such time, status quo as on today shall be maintained.

5. In view of the above, the writ petitions stand disposed of. No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (ADII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RR

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Commissioner
Dindigul Municipality
Dindigul.

+1 CC to M/s.N.ANANDA KUMAR, Advocate (SR-3577[F] dated 05/02/2021)

+2 CC to M/s.J.LAWRANCE, Advocate (SR-3601[F],3602 dated 05/02/2021)

W.P. (MD) Nos.1861 & 1862 of 2021
Dated: 04.02.2021

SVN(CO)
KB(16.02.2021) 2P 5C