



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.08.2021

CORAM:

**THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and
THE HONOURABLE MR.JUSTICE M.DURAI SWAMY**

W.P (MD) No.3284 of 2020

and

W.M.P (MD) No.2767 of 2020

Kannimuthu

... Petitioner

Vs.

1.The Collector,
The Collectorate,
Tuticorin, Tuticorin District.

2.The Commissioner,
Tuticorin Corporation,
Tuticorin,
Tuticorin District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records relating to the order dated 13.02.2020 passed by the second respondent and quash the same.

For Petitioner	: Mr.B.Rajesh Saravanan
For R - 1	: Mr.B.Saravanan Government Advocate
For R - 2	: Mr.S.Saji Bino

ORDER

(Order of the Court was made by **N.KIRUBAKARAN, J.**)

The petitioner has challenged the impugned order, dated 13.02.2020, passed by the second respondent, by which, the petitioner was directed to remove the Temple, which has been



constructed in T.S.No.5847/1, Survey Ward No.4, Block No.49B, Thirespuram, Tuticorin.

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2.Heard Mr.B.Rajesh Saravanan, learned counsel appearing for the petitioner, Mr.B.Saravanan, learned Government Advocate appearing for the first respondent and Mr.S.Saji Bino, learned counsel appearing for the second respondent.

3.The petitioner contends that the Temple has been constructed before 40 years by the petitioner's father and electricity connection has been given by the electricity authorities and it is not causing disturbance to anybody. Therefore, he has challenged this order. Further, it is submitted that no show-cause notice has been issued and final order has been passed.

4.Taking into consideration that the notice dated 13.02.2020 issued under Sections 256, 258(1), 441, 471 and 472 of the Tuticorin Corporation Act, 2008, without any show-cause notice, this Court directs the petitioner to treat the impugned order, dated 13.02.2020 as show-cause notice and give a reply within a period of four weeks from the date of receipt of a copy of this order. On such reception of reply from the petitioner, the second respondent shall conduct an enquiry, give an opportunity to the petitioner and pass appropriate orders within a period of eight weeks thereof. Till the enquiry is conducted and order is passed, the petitioner's possession shall not



5. With the above directions, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

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Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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

1. The Collector,
The Collectorate,
Tuticorin, Tuticorin District.

2. The Commissioner,
Tuticorin Corporation,
Tuticorin,
Tuticorin District.

+1 CC to M/s.SPL GP (SR-25775[F] dated 10/08/2021)

W. P (MD) No. 3284 of 2020

09.08.2021

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