



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)No.17778 of 2021

and

W.M.P(MD)Nos.14651 and 14652 of 2021

K.Tamilselvi

... Petitioner

Vs.

1.The Commissioner,
Srivilliputhur Municipality,
Municipality Office,
Srivilliputhur,
Virudhunagar District.

2.Anandan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned notice in Na.Ka.No.4309/2021/F1 dated 21.09.2021 on the file of the first respondent herein and quash the same as illegal and ultravires.

For Petitioner

: Mr.M.Ashok Kumar

For R - 1

: Mr.P.Srinivas

for Mr.J.Parekh Kumar

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 relating to the impugned notice dated 21.09.2021 on the file of the first respondent and to quash the same.

2.By the impugned notice dated 21.09.2021, the first respondent called upon the petitioner to remove the encroachment and demolish the building within a period of three days.

3.The learned counsel appearing for the petitioner submitted that the petitioner has given her explanation on 23.09.2021. Since the first respondent has passed the order without taking into consideration the explanation given by the petitioner dated 23.09.2021, in the interest of justice, we are of the considered view that the first respondent can be directed to pass an order



afresh after taking into consideration the explanation dated 23.09.2021 given by the petitioner.

4.Mr.P.Srinivas, learned counsel representing Mr.J.Parekh Kumar, learned counsel appearing for the first respondent submitted that the first respondent may be directed to pass an order afresh after taking into consideration the explanation given by the petitioner.

5.In such view of the matter, the impugned notice dated 21.09.2021 is set aside. The first respondent is directed to pass an order afresh after taking into consideration the explanation dated 23.09.2021 given by the petitioner within a period of ten days from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

indu/ps

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,
Srivilliputhur Municipality,
Municipality Office,
Srivilliputhur,
Virudhunagar District.

+1 CC to M/s.P.SRINIVAS, Advocate (SR-30964[F] dated 01/10/2021)

+1 CC to M/s.M.ASHOKKUMAR, Advocate (SR-30755[F] dated 30/09/2021)

W.P (MD) No.17778 of 2021
30.09.2021

NSN(CO)

KB(04.10.2021) 2P 4C

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