



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2021

**THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN**

**W.P (MD) No.21390 of 2021
and
W.M.P (MD) No.17954 of 2021**

Gomathi

...Petitioner

Vs.

The Commissioner,
Madurai City Municipal Corporation,
Madurai.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the impugned notice issued by the respondent, dated 29.11.2021 and to quash the same and consequently, to direct the respondent to allow the petitioner to continue his business near Meenakshi Sundersa Mandapam, i.e. 70 feet road, Ellisnagar, Madurai.

For Petitioner : Mr.J.Vishnu

For Respondent : Mrs.S.Devasena
Standing counsel

O R D E R

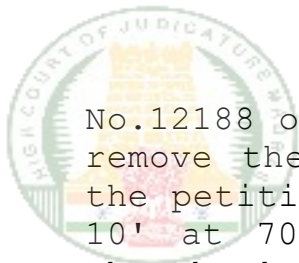
(Order of the Court was made by **PUSHPA SATHYANARAYANA, J.**)

This Writ Petition is filed challenging the eviction notice issued by the Madurai City Municipal Corporation under Sections 236, 256, 257, 258, 472, 473 and 503 of the Madurai Municipality Act .

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The said notice itself was issued pursuant to the order passed by this Court in W.P(MD)No.4339 of 2019 and W.P(MD)

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No.12188 of 2019.The said notice instructed the Writ Petitioner to remove the encroachment and hand over the vacant possession of the petition mentioned property namely, Tin Shed measuring 10' x 10' at 70 ft Road, Ellis Nagar, Meenakshi Sundaresar Mandapam. Though the notice was issued calling upon the Petitioner to give his objections, without doing so, he has rushed to this Court challenging the said notice by filing the present Writ Petition.

4.The learned counsel appearing for the Madurai Corporation states that if any objection is given, it will be considered in the manner known to law.

5.In view of the above submission, this Court directs the Petitioner to give his objections to the notice issued by the respondent within a period of two weeks from the date of receipt of a copy of this order and the respondent would consider the objections of the Petitioner by giving an opportunity of personal hearing to the Petitioner and other interest parties if any and pass appropriate orders on merits and in accordance with law, within a period of four weeks thereafter.

6.With the above directions, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsn

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,
Madurai City Municipal Corporation,
Madurai.

W.P(MD)No.21390 of 2021
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