



WEB COPY

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W.P.No.20166/2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 28-10-2022

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

W.P.No.20166 of 2022

Arokkiyasundar

...

Petitioner

-VS-

1.The District Collector,
Cuddalore District.

2.The Commissioner,
Vadalure Municipality,
Vadalure.

3.The Tahsildar (Revenue),
Kurinjipadi Taluk,
Kurinjipadi.

...

Respondents

Writ Petition under Article 226 of the Constitution of India, praying for issuance of a writ of certiorari to call for the records relating to the impugned communication Na.Ka.En.No.144/2022/A1, dated 23.06.2022, issued by the Commissioner, Vadalure Municipality, Vadalure, the second respondent herein, and quash the same.



For Petitioner : Mr.B.Ramar

For Respondents : Mr.A.Selvendran,
Special Government Pleader.

ORDER

(By D.Krishnakumar,J.)

Petitioner, being aggrieved by the impugned order of the second respondent, dated 23.06.2022, has filed this Writ Petition, by raising the ground that due to personal motive by some of the objectors, the respondent has initiated action for removal of the concrete slab, which was constructed before 32 years; that there is no obstruction of the drainage canal and that the petitioner has not occupied the public road, as alleged by the second respondent. Therefore, according to him, based on the false allegations, the impugned order has been passed by the second respondent.

2. Learned counsel for the petitioner has submitted that the impugned order has been passed without providing an opportunity to the petitioner and the said order violates the principles of natural justice.

3. As the petitioner has constructed a concrete slab on the drainage canal at his own cost to have access from the main road to reach his house and there is no obstruction for free flow of water nor is there is any public nuisance, the said aspect has



to be considered by the authorities by providing an opportunity to the parties concerned.

4. In the light of the above, we are inclined to interfere with the impugned order, dated 23.06.2022, and direct the second respondent to issue a fresh notice to the petitioner; proceed in accordance with law and take appropriate decision, after providing an opportunity to all the parties concerned. The said exercise shall be completed by the respondent within a period of twelve weeks from the date of receipt of a copy of this order.

5. Writ petition is disposed of accordingly. No costs. Consequently, the connected W.M.P.No.19383 of 2022 is closed.

Index : Yes/No

(T.V.T.S.,J.)

Internet : Yes/No

Speaking / Non-speaking Order

(D.K.K.,J.)

28-10-2022

(1/2)

dixit



To

- 1.The District Collector,
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Vadalure Municipality,
Vadalure.
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D.KRISHNAKUMAR,J.
AND
T.V.THAMILSELVI,J.

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