



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.6409 of 2022

and

W.M.P.[MD]No.4994 of 2022

WEB COPY

V.Sivaji

... Petitioner

Vs.

1.The District Collector,
Nagercoil,
Kanyakumari District.

2.The Executive Officer,
Unnamalaikadai Town Panchayat,
Town Panchayat Office,
Virikodu Village & Post,
Marthandam,
Kanyakumari District.

3.Nirmala

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records pertaining to the impugned notice in Na.Ka.No.78/2021/A1 dated 30.03.2022 on the file of the second respondent and quash the same as illegal.

For Petitioner

: Mr.S.Louis

For Respondent No.1

: Mr.T.Amjad Khan

Government Advocate

For Respondent No.2

: Mr.G.Suriyananth

Additional Government Pleader

O R D E R

This Writ Petition has been filed challenging the impugned show cause notice dated 30.03.2022, calling upon the petitioner to submit an explanation within three [3] days from the date of receipt of the said show cause notice with regard to the complaint given by the third respondent who has alleged that the window of the petitioner's house faces the third respondent's bathroom, who is a neighbour to the petitioner.

2.Admittedly, the impugned notice is only a show cause notice. No final orders have been passed by the second respondent. The petitioner has already submitted a reply on 30.03.2022, immediately on receipt of the impugned notice dated 30.03.2022.



3.This Court is of the considered view that the writ petition has been filed prematurely even without waiting for final orders to be passed by the second respondent. However, this Court is of the considered view that the interest of the petitioner will have to be protected till final orders are passed by the second respondent.

4.For the foregoing reasons, this Court directs the second respondent to consider the explanation submitted by the petitioner through his reply dated 30.03.2022 on merits and in accordance with law after affording a fair hearing to the petitioner and the third respondent including granting them the right of personal hearing. Till the second respondent passes final orders, the *status quo* as on date shall be maintained by the second respondent.

5.With the aforesaid direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MR

To

1.The District Collector,
Nagercoil,
Kanyakumari District.

2.The Executive Officer,
Unnamalaikadai Town Panchayat,
Town Panchayat Office,
Virikodu Village & Post,
Marthandam,
Kanyakumari District.

+1 CC to M/s.S. LOUIS, Advocate (SR-17120[F] dated 07/04/2022)

+1 CC to M/s.SPL.GP (SR-17516[F] dated 08/04/2022)

W.P.[MD]No.6409 of 2022

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MGJ(25.04.2022) 2P 5C