



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 18.05.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P. (MD)No.10193 of 2022

and

W.M.P. (MD)Nos.7230 and 7234 of 2022

Sivaraj, S/o.Veluchamy

... Petitioner

-VS-

1.The Commissioner,
Madurai City Corporation,
Madurai.

2.Indira Gandhi,
Ward Councilor - 97,
Thiruparankundram,
Tirunagar, Madurai - 625 006.

3.Kannan, S/o.Kasi

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Certiorari to call for records relating to the impugned Notice proceedings issued in No.17, D1/000123/22, dated 13.05.2022, as per the Madurai City Municipal Corporation Act, 1971 by the Commissioner/1st respondent, Madurai City Corporation, Madurai, and quash the same as illegal.

For Petitioner	:	Mr.G.Kannan
For Respondent No.1	:	Ms.S.Devasena
		Standing Counsel for R1

O R D E R

(Order of the Court was made by ABDUL QUDDHOSE, J.)

This Writ Petition has been filed challenging the impugned notice dated 13.05.2022, issued by the first respondent Corporation under Section 296(3) of the Madurai City Municipal Corporation Act, 1971.

2.Admittedly, the petitioner has challenged the show cause notice. It is a settled law that a show cause notice can be challenged only if the same has been issued without jurisdiction and



without any authority under law. The impugned show cause notice has been issued only as per authority under law. The petitioner has also submitted an explanation subsequent to the receipt of the impugned notice on 17.05.2022. Even before passing final order, the petitioner has filed this Writ Petition prematurely.

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3.This Writ Petition is disposed of by directing the first respondent to pass final orders after giving due consideration to the explanation submitted by the petitioner dated 17.05.2022, and also after affording a fair hearing to the petitioner including granting him a right of personal hearing, within a period of eight weeks from the date of receipt of a copy of this order. Till final orders are passed, the petitioner's right over the property shall be protected by the first respondent. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Vacation Officer/
Assistant Registrar (CS III)

// True Copy //

/ /2022
Sub Assistant Registrar(CS)

smn2

To

The Commissioner,
Madurai City Corporation,
Madurai.

+1 CC to M/s.G.KANNAN, Advocate (SR-23778[F] dated 19/05/2022)

W.P. (MD) No.10193 of 2022
18.05.2022

MGJ(31.05.2022) 2P 3C