



representations dated 08.02.2022 and 21.02.2022 for eviction of the fourth respondent and for demolition of the dilapidated building at Door No.320, Keela Masi Street, Ward No.84, Madurai - 625 001 and pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner and the fourth respondent within a period of four [4] weeks from the date of receipt of a copy of this order."

2. Pursuant to the above direction, the second respondent viz., the Assistant Commissioner, Madurai Corporation, has issued a notice on 13.05.2022 directing the petitioner herein to vacate the premises within seven days, failing which the building will be demolished. The said notice is impugned in the present writ petition on the ground that before issuing the notice, no opportunity was given to the petitioner to present his case and arbitrarily, the notice for eviction was issued by the second respondent to him. Further, it is contended that the impugned order has been passed due to the handiwork of the third respondent, who under the guise of alleging that the building is in a dilapidated condition, had filed a writ petition and indirectly wants to evict the petitioner from the premises.

3. However, the learned Standing Counsel for the respondent-Corporation would submit that the impugned order was issued pursuant to the direction of this Court in W.P.(MD) No.4463 of 2022. Before passing the impugned order, the petitioner was heard, the premises was inspected and being satisfied that the building is not fit for occupation, the impugned notice was issued.

4. This Court, on considering the rival submissions, finds that the impugned order does not disclose the subjective satisfaction of the Authority for the reason to hold the subject building is in dilapidated condition and unfit for occupation. Further, there is no indication in the impugned order that the petitioner was afforded an adequate and fair opportunity and the same was considered before passing the impugned order. In the said circumstances, the order dated 13.05.2022, passed by the second respondent is liable to be quashed and accordingly, it is quashed.

5. From the records, this Court finds that pursuant to the impugned order, the petitioner herein has given a detailed representation on 23.05.2022 by registered post to the respondents 1 and 2. In the said circumstances, since there is a specific direction by this Court to consider the representation of the third respondent regarding demolition of the alleged dilapidated building, which must be disposed of within four weeks from the date of receipt



of a copy of the order, the impugned notice dated 13.05.2022 passed by the second respondent and the reply of the petitioner dated 23.05.2022 shall be treated as show cause notice and response. Further response from the petitioner shall also be entertained, if it is received within seven days from today and after making local inspection with the competent Engineer, if the second respondent is satisfied that the building is to be demolished, then appropriate orders shall be passed with reasoning and expert report.

6. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Vacation Officer/
Assistant Registrar(Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

abr/krk

To

1.The Commissioner,
Madurai Corporation,
Madurai.

2.The Assistant Commissioner,
Region No.3, Madurai Corporation,
Madurai.

+1 CC to M/s.J. LAWRENCE, Advocate (SR-24277[F] dated 03/06/2022)

W.P.(MD) No.10744 of 2022
01.06.2022

GM(CO)

TR(06.06.2022) 3P 4C