



W.P(MD) No.21749 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.09.2022

CORAM:

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

**W.P.(MD) No.21749 of 2022
and
W.M.P(MD) No.15917 of 2022**

P.Venkatasubramani

... Petitioner

-VS-

The Commissioner,
Palani Municipality,
Palani, Dindigul District.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorari calling for the records of the respondent in Na.Ka.No.2642/2022 dated 05.09.2022 and quash the same as illegal.

For Petitioner : Mr.S.I.Muthiah

For Respondent : Mr.L.P.Maurya,
Standing Counsel



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ORDER

(Order of the Court was made by R.MAHADEVAN, J.)

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This writ petition has been filed by the petitioner challenging the proceedings dated 05.09.2022 issued by the respondent – Municipal Corporation, by which, the offending construction on the public road is directed to be removed.

2. Heard Mr.S.I.Muthiah, learned counsel for the petitioner and Mr.L.P.Maurya, learned Standing Counsel for the respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. It is the case of the petitioner that pursuant to a sale deed executed by his mother in favour of him on 23.09.2013, the petitioner is in peaceful possession and enjoyment of the property. While so, alleging that he has made an encroachment on the said property, the respondent has issued the impugned proceedings directing the petitioner to remove the unauthorised construction in question. The main grievance of the petitioner is that the respondent – Municipality has issued the impugned



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proceedings without providing adequate opportunity and reasonable time to submit his objections.

4. In view of the above, we dispose of this writ petition by directing the writ petitioner to treat the impugned proceedings dated 05.09.2022, as a show cause notice and the petitioner shall submit his objections within two weeks along with relevant documents, to establish this case. On receipt of the objection, the respondent shall consider the same and then pass appropriate orders in accordance with law, after affording an opportunity of personal hearing to the petitioner, within four weeks thereafter. No costs. Consequently, connected miscellaneous petition is closed.

[R.M.D., J.] [J.S.N.P., J.]
14.09.2022

Index : Yes / No
Internet : Yes / No
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To:

The Commissioner,
Palani Municipality,
Palani, Dindigul District.



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