



W.P.(MD) No.23460 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

and

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD) No.23460 of 2022

and

W.M.P.(MD)No.17546 of 2022

P.Esthar Rani

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Joint Director,
Madurai Town Panchayat Office,
Madurai District Collectorate Compound,
Madurai District.

3.The Executive Officer,
Vadipatti Town Panchayat,
Vadipatti, Madurai District.

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned Emergent Memo dated 20.05.2022 in Na.Ka. No.54/2018 issued by the 3rd respondent and quash the same and direct the 3rd respondent to follow the procedure established by law and adhere to the principles of natural justice and direct to consider the objections since the Diwali Festival is nearing while there is no urgency or need right now to the unused vacant place to the Vadipatti Town Panchayat.

For Petitioner : Mr.R.Karuppiah

For Respondents : Mr.V.Nirmal Kumar,
Govt. Advocate.

ORDER

[Order of the Court was made by R.MAHADEVAN, J.]

Challenging the impugned Emergent Memo dated 20.05.2022, in Na.Ka. No.54/2018 issued by the 3rd respondent and seeking for a consequential direction to the third respondent to follow the procedure established by law and adhere to the principles of natural justice, the petitioner has filed this Writ Petition.



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2. Today, when the matter was taken up for hearing, the learned counsel appearing for the petitioner has produced the undertaking affidavit filed by the petitioner, dated 17.11.2022, wherein it is stated as follows:

“4.I submit that I shall vacate on the subject place on or before 17.01.2023 without fail and I will abide the condition if any imposed by this Hon'ble Court till then.

Therefore I pray that this Hon'ble Court may be pleased to graciously grant me time to vacate the place on or before 17.01.2020 and direct the respondent to consider the same and thus render justice.”

3. Recording the same, this Writ Petition is disposed of directing the authorities concerned to remove the encroachment in the place in question, if the petitioner fails to comply the undertaking given by her. No costs. Consequently, connected miscellaneous petition is closed.

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

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vsm

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R.MAHADEVAN, J.
and
J.SATHYA NARAYANA PRASAD, J.

vsm

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