



W.P(MD) No.26282 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2022

CORAM:

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

**W.P.(MD) No.26282 of 2022
and
W.M.P(MD) Nos.20457,20458 and 20459 of 2022**

K.L.T.Syed Rabiah

... Petitioner

-VS-

1. The Kayalpattinam Municipality,
Rep. by its Commissioner,
Municipal Office, Kayalpattinam,
Tuticorin District.

2. M.S.Syed Mohammed

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records pertaining to the impugned eviction notice in Na.Ka.No. 191/2020/F1 dated 09.11.2022 on the file of the first respondent served upon the petitioner on 14.11.2022 and quash the same as illegal and consequently forbear the first respondent from evicting the petitioner in his building in S.No.433/2B, Kayalpattinam South Village, Thiruchendur Taluk, Tuticorin District, without following due process of law.



WEB COPY



W.P(MD) No.26282 of 2022

For Petitioner : Mr.T.Lajapathi Roy
For Respondent : Mr.V.Nirmal Kumar
Government Advocate for R1

ORDER

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

This writ petition is filed challenging the eviction notice issued under the Tamil Nadu District Municipalities Act, 1971, by the first respondent – Municipality in Na.Ka.No.191/2020/F1, dated 09.11.2022 and to forbear the first respondent from evicting the petitioner in his building in S.No.433/2B, Kayalpattinam South Village, Thiruchendur Taluk, Tuticorin District.

2. Today, when the writ petition was taken up for hearing, learned counsel for the petitioner submitted that as against the impugned eviction notice, the petitioner is inclined to prefer appeal before the appellate authority concerned along with stay application and therefore, it is suffice if a direction is issued permitting the petitioner to file such appeal with a further direction to the appellate authority concerned to dispose of the same within a time frame.



W.P(MD) No.26282 of 2022

WEB COPY

3. In view of the limited relief sought for, the petitioner is directed to file appeal before the appellate authority concerned along with stay application within a period of four weeks from today and on such filing, the appellate authority concerned is directed to consider the same and pass appropriate orders on merits and in accordance with law within a period of eight weeks thereafter. Till the stay application is disposed of by the appellate authority, the first respondent shall not take any coercive action against the petitioner.

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

[R.M.D., J.] [J.S.N.P., J.]
22.11.2022

Index : Yes / No
Internet : Yes / No
pkn



WEB COPY



W.P(MD) No.26282 of 2022

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

pkn

To:

The Commissioner,
Kayalpattinam Municipality,
Municipal Office, Kayalpattinam,
Tuticorin District.

W.P.(MD) No.26282 of 2022

22.11.2022