



W.P.(MD) No.28214 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.28214 of 2022

and

W.M.P.(MD)No.22287 of 2022

Balanagammal

... Petitioner

-Vs-

The Commissioner,

Dindigul Corporation, Dindigul.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records of the impugned order passed by the respondent made in Na.Ka.No.9367/2022/F2 dated 10.11.2022 and to quash the same as illegal.

For Petitioner : Mr.D.Srinivasaraghavan

For Respondent : Mr.M.Thirunavukkarasu,
Standing Counsel

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ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

The eviction notice dated 10.11.2022 issued by the respondent, directing the removal of the encroachment, is under challenge in this Writ Petition.

2.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.The learned counsel for the petitioner submitted that the property in question is neither road poramboke nor corporation road, it is the residential house, for which, the petitioner has been regularly paying property tax as assessed by the respondent. Suddenly, the respondent has issued the impugned eviction notice dated 10.11.2022, treating the petitioner as encroacher, without issuing any show cause notice, enabling the petitioner to submit her objection / explanation. Therefore, the same is liable to be set aside on the ground of violation of principles of natural justice.

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4.The said statement is not refuted by the learned Standing Counsel for the respondent.

5.Considering the fact that the impugned eviction notice has been issued without giving any show cause notice to the petitioner to put forth her case, the impugned eviction notice is treated as show cause notice and the petitioner is directed to file her explanation / objection to the same, placing all the materials in support of her claims before the authority concerned within a period of two weeks from the date of receipt of a copy of this order. On receipt of such explanation / objection, the authority concerned is directed to consider the same and pass appropriate orders on merits and in accordance with law, after affording sufficient opportunity to all the parties concerned, within a period of four weeks thereafter. Till such time, the respondent is directed to maintain *status-quo* as on date.



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

[D.K.K., J.] & [R.V., J.]

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Index : Yes / No

Internet : Yes / No

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