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W.P.Nos.2640, 2648, 2651 & 2658 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2023

CORAM

THE HON'BLE MR.JUSTICE R.MAHADEVAN
AND
THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

Writ Petition Nos.2640, 2648, 2651 & 2658 of 2023
and
WMP.Nos.2717, 2720, 2725, 2729, 2732, 2734, 2745 and 2749

Yovan Selvin	..	Petitioner in WP No.2640/23
Samundeeswari	..	Petitioner in WP No.2648/23
Rajammal	..	Petitioner in WP No.2651/23
Mani @ Unnikrishnan	..	Petitioner in WP No.2658/23

Vs.

The Executive Engineer (Planning) Coimbatore Corporation Coimbatore.	..	Respondent in all W.Ps.
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Prayer: Writ Petitions under Article 226 of the Constitution of India praying for a writ of Certiorari calling for the entire records relating to the impugned order passed by the respondent in Na.Ka.No.8274/2022/H2/E dated 18.11.2022 and quash the same.

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For the Petitioners : Mr.N.Chinnaraj
For the Respondent : Mr.A.Selvendran
Special Government Pleader

COMMON ORDER
(Order of the court was made by R.Mahadevan,J)

The petitioners have filed these writ petitions challenging the notice(s) dated 18.11.2022 issued by the respondent under Sections 258 and 441 of the Coimbatore City Municipal Corporation Act, 1981.

2. According to the petitioners, they are residing with their families in the property in question for several years, by constructing houses. They belong to economically weaker section and that, they do not own any house or land, except the houses, where they are living. While so, they have been issued with the impugned notice(s) directing them to vacate the properties in question, as if they are encroachers of the Government poramboke lands, within a period of 15 days from the date of receipt of the same. Feeling aggrieved, the petitioners are before this court with these writ petitions.



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3. Learned counsel for the petitioners contended that the impugned notice(s) requiring the petitioners to vacate the properties in question came to be issued, without issuing any show cause notice, calling upon them to submit their objections, if any, and hence, the same are arbitrary, illegal and in violation of the principles of natural justice. Therefore, the learned counsel sought to set aside the notice(s) impugned in these writ petitions.

4. On the other hand, the learned Special Government Pleader appearing for the respondents fairly conceded aforesaid submission made by the learned counsel for the petitioners.

5. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, we dispose of these writ petitions, directing the petitioners to file their objections to the notice(s) impugned herein, treating the same as show cause notice(s), within a period of two weeks from the date of receipt of a copy of this order. On filing of such objections, the respondent shall consider the same and pass appropriate orders, on



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merits and in accordance with law, after providing an opportunity of hearing to the petitioners, within a period four weeks thereafter. Till the passing of final orders, the respondent shall maintain *status quo* as on date. There will be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(R.M.D.,J.) (M.S.Q., J.)
03.02.2023

Index : Yes/No
Neutral Citation : Yes/No
kpl

To

The Executive Engineer (Planning)
Coimbatore Corporation
Coimbatore.



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R.MAHADEVAN,J,
and
MOHAMMED SHAFFIQ, J.

(kpl)

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