



W.P.No.33958 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.33958 of 2023

1. Surendar
2. Saravanan
3. Manimekalai .. Petitioners

Vs.

1. The Collector
Salem District, Salem.

2. The Revenue Divisional Officer
Mettur, Salem District.

3. The Commissioner
Mettur Municipality, Mettur
Mettur District. .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari, calling for the records relating to the notice issued by the third respondent in Na.Ka.No.3484/2023/F1 dated 16.11.2023 u/s 128 Tamil Nadu Urban Local Bodies Act (Amended) 1998 quash the same.

For the Petitioners : Mr.V.Elangovan
For the Respondents : Mr.K.M.D.Muhilan
Additional Government Pleader



W.P.No.33958 of 2023

WEB COPY

ORDER
(Made by the Hon'ble Chief Justice)

Heard Mr.V.Elangovan, learned counsel for the petitioners and Mr.K.M.D.Muhilan, learned Additional Government Pleader for the respondents.

2. Learned counsel for the petitioners submits that notice is issued under Section 128 of the Tamil Nadu Urban Local Bodies Act, 1998 (amended Act, 2022) for removal of the alleged encroachment. Learned counsel submits that prior to the issuance of the said notice, no show-cause notice was issued to the petitioners. It is further submitted that earlier, an enquiry was conducted and it was noted that no such road is available.

3. As it is contended that the impugned notice is issued without issuing prior show-cause notice, we pass the following orders:

The impugned notice dated 16.11.2023 shall be construed as a show-cause notice to the petitioners. The petitioners shall file a reply to the



W.P.No.33958 of 2023

WEB COPY

said show-cause notice within a period of seven days from today. In case such reply is filed, the authorities shall consider the reply filed by the petitioners and thereafter take a decision on its own merits.

4. With these observations, the writ petition stands disposed of. There will be no order as to costs. Consequently, W.M.P.Nos.33842 and 33843 of 2023 are closed.

(S.V.G., C.J.)

(D.B.C., J.)

05.12.2023

Index : Yes/No
Neutral Citation : Yes/No

drm

To

1. The Collector
Salem District, Salem.
2. The Revenue Divisional Officer
Mettur, Salem District.
3. The Commissioner
Mettur Municipality, Mettur
Mettur District.



WEB COPY



W.P.No.33958 of 2023

THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J.

(drm)

W.P.No.33958 of 2023

05.12.2023