



W.P.(MD) No.2908 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.2908 of 2023

and

W.M.P.(MD)No.2703 of 2023

Govindarajulu

... Petitioner

-Vs-

1.The Regional Director of Municipalities,
Salem.

2.The Commissioner,
Kulithalai Municipality,
Kulithalai, Karur District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records in respect of Naa.Kaa.No.202/2022/B2, dated 30th January, 2023 on the file of the 2nd respondent and quash the same.

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For Petitioner : Mr.R.M.Sivakumar
For R1 : Mr.V.Nirmal Kumar,
Government Advocate
For R2 : Mr.A.N.Ramanathan

ORDER

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

Challenging the eviction notice dated 30.01.2023 issued by the 2nd respondent, this Writ Petition is filed.

2.Mr.V.Nirmal Kumar, learned Government Advocate takes notice on behalf of the 1st respondent and Mr.A.N.Ramanathan, learned counsel takes notice on behalf of the 2nd respondent. By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

3.The learned counsel appearing for the petitioner submitted that the impugned eviction notice has been issued to the petitioner without mentioning the survey number of the property and further, the 2nd respondent has not given

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any opportunity of hearing to the petitioner to put forth his case. Therefore, on this ground, the impugned eviction notice is liable to be quashed.

4.The learned counsel appearing for the 2nd respondent fairly submitted before this Court that fresh notice would be issued to the petitioner by following the procedures as contemplated under the Rules.

5.On perusal of the impugned eviction notice, it is seen that there is no mention about the survey number of the property as rightly pointed out by the learned counsel for the petitioner. Therefore, we have no hesitation to set aside the aforesaid eviction notice on this ground. Accordingly, the impugned eviction notice dated 30.01.2023 issued by the 2nd respondent is set aside and this Writ Petition stands allowed. However, the 2nd respondent is at liberty to issue fresh notice to the encroachers and proceed in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.] & [L.V.G., J.]
14.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
MYR

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AND
L.VICTORIA GOWRI, J.

MYR

To
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Salem.

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