



W.P(MD)No.3291 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 22.11.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.3291 of 2023

and

W.M.P(MD)Nos.3047 & 23854 of 2023

Ayyappan

... Petitioner

Vs.

1.The Commisioner,
Cumbum Municipality,
Theni District.

2.The Inspector of Police,
Cumbum South Police Station,
Theni District.

3.P.Krishnamoorthy

4.Parimala

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the impugned order in Na.Ka.No.1629/2021/H1 dated 24.01.2023 passed by the first respondent and quash the same.



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For Petitioner : Mr.P.Arun Jayatram

For Respondents : Mr.S.P.Maharajan for R.1

Mr.A.Albert James
Government Advocate for R.2

Mr.K.P.S.Palanivel Rajan
Senior Advocate
for Mr.S.Prabakaran for R.3 & R.4

ORDER

Heard the learned counsel appearing for the writ petitioner, the learned counsel appearing for the first respondent, the learned Government Advocate appearing for the second respondent and the learned Senior Counsel appearing for the contesting respondents.

2. By the impugned order, the local body had called upon the petitioner to close the godown and shift it. According to the Commissioner of Cumbum Municipality, the running of godown is causing nuisance to the residents of the locality.

3. I do not want to go into the merits of the matter. The impugned communication shall be treated as a show cause notice. The petitioner is



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given ten days time from today (22.11.2023) to offer his response. The Commissioner, Cumbum Municipality will hold an enquiry on the complaint of the contesting respondents and the petitioner's explanation on **01.12.2023 at 03.00 p.m.** The petitioner shall not take adjournment on the said date. The petitioner also will not receive any independent notice. After hearing both the parties and also the concerned officials and based on the materials on record, the Commissioner, Cumbum Municipality shall pass an order afresh on merits and in accordance with law within a period of two weeks thereafter.

4. This writ petition is allowed on these terms. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

22.11.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

Note : Issue order copy on 23.11.2023.



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G.R.SWAMINATHAN, J.

MGA

To

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