



W.P.(MD) No.4889 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.03.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD) No.4889 of 2023
and
W.M.P.(MD) No.4578 of 2023**

Putharmal Bafna

... Petitioner

-vs-

1.The Commissioner of Corporation
Office of the Corporation
Madurai

2.The Executive Engineer (Plan)
Office of the Corporation, Zone V
Madurai

3.The Assistant Commissioner
Office of the Corporation, Zone-V
Madurai

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari calling for the records pertaining to the impugned order passed by the respondents 2 and 3 vide his proceeding dated 17.02.2023 and quash the same as illegal.



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For Petitioner : Mr.D.Senthil

For Respondents : Mr.S.Vinayak, Standing Counsel

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

Mr.S.Vinayak, learned Standing Counsel, takes notice for the respondents.

2. Prayer in this writ petition reads as follows:

“Therefore, it is most respectfully prayed that this Hon'ble Court may be pleased to issue a WRIT OF CERTIORARI or any other appropriate writ or order or direction, calling for the records pertaining to the Impugned Order passed by the Respondents 2 and 3 vide his Proceeding dated 17.02.2023 and quash the same as illegal.”

3. It is the grievance of the petitioner that she has not been given an opportunity to show cause that she has not encroached upon the property and the notice issued under Sections 236, 256, 257, 258, 471, 472, 473 & 503 of Madurai City Municipal Corporation Act, 1971, reads as if it is a final order directing eviction.



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4. We have heard the learned Standing Counsel for Madurai Corporation also.

5. A reading of the impugned notice shows that the petitioner has been given two weeks time to remove the encroachment and two days time to show cause against removal of encroachment. We find that grant of two days time to show cause is too short a period. Therefore, the notice impugned in this writ petition is treated as a show cause notice and the petitioner is required to file her reply within a period of fifteen days from today. On receipt of the reply, the Commissioner, Madurai Municipal Corporation, will consider the same and pass appropriate orders under Section 258 of Madurai City Municipal Corporation Act, 1971.

6. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

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

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