



W.P(MD)No.11182 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.05.2023

CORAM:

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.P(MD)No.11182 of 2023
and
W.M.P(MD)No.9784 of 2023**

Thangaraj

... Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Tahsildar,
Rajapalayam Taluk,
Rajapalayam,
Virudhunagar District.

3.The Municipal Commissioner,
Rajapalayam Municipality,
Rajapalayam,
Virudhunagar District.

4.A.P.Arjunan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records of the impugned notice in F1/1607/2021 dated 25.11.2021 issued



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by the third respondent and quash the same as illegal.

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For Petitioner	:Mr.R.J.Karthick
For R1 & R2	:Mr.S.Shanmugavel Additional Government Pleader
For R3	:Mr.N.Dilip Kumar Standing Counsel

ORDER

Heard the learned counsel appearing for the petitioner, learned Additional Government Pleader for the respondents 1 and 2 and the learned Standing Counsel for the third respondent.

2. Issuance of notice to the fourth respondent stands dispensed with.

3. The petitioner questions the impugned notice issued by the third respondent under Section 182 and other provisions of the Tamil Nadu District Municipalities Act, 1920. Though the communication has been styled as a notice, it is peremptory in nature and it calls upon the petitioner to remove the alleged encroachment.



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4. It is obvious that the impugned communication has been sent without complying with the principles of natural justice. On this technical ground, the writ petition is allowed and the impugned communication is set aside. It is open to the third respondent to initiate fresh proceedings in accordance with law. We have not gone into the merits of the matter. No costs. Consequently, connected miscellaneous petition is closed.

[G.R.S.,J.] [S.S.Y.,J.]
10.05.2023

Index:Yes/No
Internet:Yes/No
NCC:Yes/No
SJ/SN

To

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Tahsildar,
Rajapalayam Taluk,
Rajapalayam,
Virudhunagar District.



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G.R.SWAMINATHAN, J.

AND

S.SRIMATHY, J.

SJ/SN

ORDER MADE IN

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