



W.A(MD)Nos.865 and 866 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :19.06.2023

CORAM:

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

**W.A(MD)Nos.865 and 866 of 2023
and
C.M.P(MD)Nos.6984 and 6986 of 2023**

D.Sundarapandian

G.K.Kowsalya

... Appellant/ 1st respondent/Petitioner/Petitioner ((In both W.As)

-VS-

1.The District Collector,
Theni District, Theni.

... 1st respondent/2nd respondent/1st respondent/
1st respondent(In both W.As)

2.The Corporation Commissioner,
Theni Municipality,
Theni District, Theni.

3.The Commissioner,
Allinagaram Municipality,
Theni District, Theni.

... Respondents 2 & 3/Petitioners/Respondents2 &
3/
Respondents 2 & 3(In both W.As)

PRAYER in W.A(MD)No.865 of 2023: Appeal filed under Clause 15 of
Letters Patent, against the order passed in W.M.P(MD)No.1396 of 2023



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in W.M.P(MD)No.22818 of 2022 in W.P(MD)No.28852 of 2022, dated 14.06.2023.

PRAYER in W.A(MD)No.866 of 2023: Appeal filed under Clause 15 of Letters Patent, against the order passed in W.M.P(MD)No.1390 of 2023 in W.M.P(MD)No.22826 of 2022 in W.P(MD)No.28855 of 2022, dated 14.06.2023.

(In both W.As)
For Appellant : Mr.G.Prabhu Rajadurai for
Mr.C.Susikumar
For R-1 & R-2 : Mr.A.Baskaran,
Additional Government Pleader
For R-3 : Mr.G.Kaleeswaran

COMMON JUDGMENT

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

Being aggrieved by the orders of the Writ Court dated 14.06.2023 made in W.M.P(MD)No.1396 of 2023 in W.M.P(MD)No.22818 of 2022 in W.P(MD)No.28852 of 2022 and in W.M.P(MD)No.1390 of 2023 in W.M.P(MD)No.22826 of 2022 in W.P(MD)No.28855 of 2022 respectively, the appellants/writ petitioners have filed these writ appeals.

2. The writ petitions were filed challenging the proceedings dated 19.12.2022, particularly, the resolution No.56 contained therein.



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Though the Writ Court had initially stayed the further proceedings, pursuant to the proceedings, dated 19.12.2022, it had subsequently vacated the order on the ground that the learned counsel for the petitioners who obtained stay was not ready. Hence, these writ appeals.

3. When these writ appeals were taken up, it came to light that the proceedings, dated 19.12.2022, is only an invitation for a meeting of the Municipal Council on 23.12.2022. What was challenged was only an invitation and not a resolution. The fact that the resolution contained the recommendation of the Commissioner, probably, had mislead the writ petitioners to approach this Court.

4. The learned counsel for the municipality would however submit that since there was an interim stay, they have not proceeded further and the entire issue has been deferred. Even if a resolution has been passed by the Municipal Council, the municipality will have to take steps under law for eviction. It has to necessarily comply with principles of natural justice.

5. We, therefore, dispose of the writ appeals with the direction to the municipality to strictly follow the provisions of the District



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Municipalities Act, 1920 and abide by the principles of natural justice while taking proceedings for evicting the writ petitioners. No Costs. Consequently, connected Miscellaneous Petitions are closed.

[R.S.M., J.]

[L.V.G., J.]

19.06.2023

NCC :Yes/No
Index :Yes/No
PM

To:

- 1.The District Collector,
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Theni Municipality,
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- 3.The Commissioner,
Allinagaram Municipality,
Theni District, Theni.



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R.SUBRAMANIAN, J.
and
L.VICTORIA GOWRI, J.

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