



W.P(MD)No.14573 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.07.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

**W.P(MD)No.14573 of 2015
and
M.P.(MD)Nos.1 & 2 of 2015**

Rengammal

... Petitioner

Vs.

**1.The Commissioner,
Tirunelveli City Municipal Corporation,
Tirunelveli.**

**2.The Assistant Commissioner,
Tirunelveli Ward Office,
Tirunelveli City Municipal Corporation,
Tirunelveli.**

3.Velmurugan

... 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 pertaining to the impugned notices issued by the 2nd respondent in his proceedings in Na.Ka.No.TP4/2426/2015 dated 6.7.2015 and the subsequent notice in his proceedings in Na.Ka.No.TP4/2426/2015 dated 29.7.2015 and quash the same.



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For Petitioner : Mr.T.A.Ebenezer

For Respondents : Mr.Aayiram K.Selvakumar
Additional Government Pleader for R1 & R2

ORDER

Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for R1 & R2.

2. In this writ petition, two notices issued by the corporation are under challenge. Notice bearing Na.Ka.No.TP4/2426/2015 dated 06.07.2015 calls upon the petitioner to vacate the petition mentioned premises within 24 hours. It further states that in the event of failure on the part of the petitioner, the building will be demolished. It is too obvious that the notice has been issued without hearing the petitioner. The petitioner was not issued with any prior notice. The notice dated 06.07.2015 is an adverse order passed in violation of the principles of natural justice. It stands quashed. Liberty is given to the corporation authorities to issue fresh proceedings in accordance with law.

3. As regards notice dated 29.07.2015, there is no need to interfere. It merely calls upon the petitioner to produce the



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documents propounded by the petitioner. This by itself does not affect the rights of the petitioner. The petitioner is given two more weeks from the date of receipt of a copy of this order to comply with the demand set out in the said notice.

4. The writ petition is partly allowed. No costs. Consequently, connected miscellaneous petitions are closed.

24.07.2023

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

To

1.The Commissioner,
Tirunelveli City Municipal Corporation,
Tirunelveli.

2.The Assistant Commissioner,
Tirunelveli Ward Office,
Tirunelveli City Municipal Corporation,
Tirunelveli.



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G.R.SWAMINATHAN, J.

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