



W.P(MD)No.20901 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.08.2023

CORAM :

**THE HONOURABLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
and
THE HONOURABLE MR.JUSTICE P.VADAMALAI**

**W.P(MD)No.20901 of 2023
and
W.M.P(MD)Nos.17297 & 17298 of 2023**

Maria Kavitha

... Petitioner

Vs.

The Commissioner
Thoothukudi Municipal Corporation,
Thoothukudi.

.. Respondent

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 Eviction Notice passed by the respondent in his proceedings A.Pe.Ka.No.F1/66/2020/Va.Ma dated 16.08.2023 quash the same.



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W.P(MD)No.20901 of 2023

For Petitioner : Mr.S.M.Mohan Gandhi

For Respondent : Mr.N.Anandha Kumar

Standing Counsel

ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

Heard Mr.S.M.Mohan Gandhi, learned counsel for the petitioner and Mr.N.Anandha Kumar, learned Standing Counsel appearing for the respondent.

2. The petitioner is challenging the notice issued by the respondent invoking Sections 56 and 57 of the City Municipal Corporation Act, 1971.

3. The learned counsel for the petitioner submits that without issuing show-cause notice, the impugned order is passed directing the removal of construction. The learned counsel further submits that the petitioner is the owner of the land. The settlement deed is also issued in favour of the petitioner. The respondent without adhering to the procedure issued the impugned order.



W.P(MD)No.20901 of 2023

4. The learned Advocate appearing for the Corporation submits that on 09.11.2020, notice under Sections 296(1) and (2) and 283 of the Thoothukudi City Municipal Corporation Act, 2008, was issued. Thereafter, on 26.06.2021, notice under Section 296(3) of Thoothukudi City Municipal Corporation Act, 2008 was also issued.

5. It appears that the respondents have followed the proper procedure before issuing the impugned notice/order. Two notices are only issued to the petitioner.

6. In the light of the above, no orders can be passed in favour of the petitioner in the present Writ Petition. It is for the petitioner to take steps as it may be permissible under law.

7. The Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

[S.V.G., C.J.]

[P.V.M., J.]

28.08.2023

Index : Yes / No
Neutral Citation : Yes / No
RM



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P.VADAMALAI, J.

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W.P(MD)No.20901 of 2023

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