



W.P.(MD)No.25385 of 2018

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No. 25385 of 2018

Subulakshmi

... Petitioner

Vs.

The Joint Commissioner
Executive Officer,
Arulmighu Subramaniasamy Thirukkivil,
Tirupparakundram,
Madurai District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order issued by the respondent in his proceedings in Na.Ka. No.1373/2018/E5 dated 13.12.2018 and quash the same and consequently direct the respondents to survey and measure the extents and fix the rent in accordance with law.

For Petitioner : No Appearance

For Respondent : Mr.V.Chandrasekar



W.P.(MD)No.25385 of 2018

WEB COPY

ORDER

This writ petition is filed challenging the impugned notice, dated 13.12.2018 and seeking consequential direction to the respondent to survey and measure the extent and fix the rent in accordance with law.

2. There is no appearance on the side of the petitioner. Heard Mr.V.Chandrasekar, the Learned counsel appearing for the respondent and perused the material documents available on record.

3. The Learned counsel appearing for the respondent submitted it is only a Notice under Section 106 of the HR & CE Act. But on perusal of the said alleged notice it is seen that the respondents have directed the petitioner to vacate the premises.

4. This Court is of the considered opinion that even an encroacher is entitled to show cause notice. Therefore the petitioner is directed to treat the alleged notice as show cause notice and the petitioner shall submit explanation to



W.P.(MD)No.25385 of 2018

WEB COPY

the said show cause notice. The respondent shall also grant personal hearing to the petitioner. Thereafter the respondent shall consider in accordance to law and pass orders.

5. With these observations, this writ petition is disposed of. No

Costs.

Index : Yes / No

28.08.2023

Internet : Yes

NCC : Yes / No

ksa

To

The Joint Commissioner
Executive Officer,
Arulmighu Subramaniasamy Thirukkivil,
Tirupparakundram,
Madurai District.



WEB COPY



W.P.(MD)No.25385 of 2018

S.SRIMATHY, J

ksa

**Order made in
W.P.(MD)No. 25385 of 2018**

28.08.2023