



W.P.(MD)No.27611 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD)No.27611 of 2023

and

W.M.P.(MD)No.23717 of 2023

P.Geetha

... Petitioner

Vs.

1.The Commissioner,
Municipality Office,
Rajapalayam Municipality,
Rajapalayam, Virudhunagar District.

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

3.S.M.Ragupathi Raja

4.R.Ramesh Kumar

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the impugned proceedings of the 1st respondent in Na.Ka.No.2581/2023/F1, dated 09.11.2023 and quash the same.



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For Petitioner : Mr.M.P.Senthil
For R1 : Mr.N.Dilip Kumar
For R2 : Mr.M.Lingadurai,
Special Government Pleader
For R3 & R4 : Mr.K.Sudalayandi

ORDER

(Order of the Court was made by ***S.M.SUBRAMANIAM, J.***)

The order dated 09.11.2023 issued by the Commissioner of Rajapalayam Municipality under Section 128 of Tamil Nadu Urban Local Bodies Act, 1998, is under challenge in the present Writ Petition.

2.The learned counsel appearing for the petitioner strenuously contended that the subject property is a patta land and therefore, the order impugned is untenable. That apart, no show cause notice was issued providing opportunity to the petitioner to defend her case.

3.The learned counsel appearing for the respondents 3 and 4 has made a submission that the petitioner is an encroacher and put up an unauthorized construction on the street, which belongs to the 1st respondent Municipality.



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4.The learned counsel appearing for the 1st respondent Municipality has made a submission that the authorities would provide an opportunity to the parties to raise their objections and thereafter, decision will be taken.

5.In view of the above submissions, the order impugned dated 09.11.2023 issued by the 1st respondent is to be construed as a show cause notice, enabling the parties to submit their objections along with documents, if any. Therefore, the writ petitioner and the contesting respondents are at liberty to submit their objections within a period of 15 days from the date of receipt of a copy of this order. On receipt of such objections, if any from the parties, the 1st respondent shall identify the encroachments by conducting survey if not already conducted and proceed further to remove the encroachments. The said exercise is directed to be completed within a period of eight (8) weeks from the date of receipt of a copy of this order.

6.With the above observation, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S., J.) & (V.L.N., J.)
19.12.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Yuva



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S.M.SUBRAMANIAM, J.

AND

V.LAKSHMINARAYANAN, J.

Yuva

To

1.The Commissioner,
Municipality Office,
Rajapalayam Municipality,
Rajapalayam, Virudhunagar District.

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

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