



W.P.No.2485 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2024

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.2485 of 2024

1.Surendar
2.Saravanan

.. Petitioners

Vs

1.The Collector,
Salem District,
Salem.

2.The Revenue Divisional Officer,
Mettur,
Salem District.

3.The Commissioner,
Mettur Municipality,
Mettur,
Mettur District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari calling for the records relating to the notice issued by the 3rd respondent in Na.Ka.No.3484/2023/F1 dated 07.12.2023 sent by postal which was received by the petitioners on 29.01.2024 quash the same.



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For the Petitioners : Mr.M.P.Rajavelayutham

For the Respondents : Mr.C.Kathiravan
Special Government Pleader
for respondents 1 and 2

: Mr.L.P.Maurya
for respondent No.3

ORDER

(Order of the court was made by the Hon'ble Chief Justice)

We have heard Mr.M.P.Rajavelayutham, learned counsel for the petitioner; Mr.C.Kathiravan, learned Special Government Pleader for respondents 1 and 2; and, Mr.L.P.Maurya, learned counsel for the third respondent.

2. The petitioners have earlier filed a writ petition, bearing W.P.No.33958 of 2023, challenging the notice issued under Section 128 of the Tamil Nadu Urban Local Bodies Act, 1998 (amended Act, 2022).

3. On 5.12.2023, we disposed of the writ petition with a direction that the impugned notice dated 16.11.2023 under Section



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128 of the Act be construed as a show cause notice. We gave seven days' time to the petitioners to file reply and directed the authorities to consider the reply afresh. The petitioners have filed their reply on 11.12.2023. However, on 7.12.2023, the third respondent again issued the same notice under Section 128 of the Act.

4. The impugned order dated 7.12.2023 (signed on 15.12.2023) is not in tune with the order passed by us in the earlier writ petition. The petitioners have filed a reply pursuant to the order passed by this court in the earlier writ petition. The third respondent ought to have considered the said reply and taken a decision. However, within two days of the order passed by this court in the earlier writ petition, the third respondent issued again the same notice.

5. In the light of the above, the impugned notice dated 7.12.2023 (signed on 15.12.2023) is quashed and set aside. The third respondent shall consider the reply and take a decision afresh.



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The writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, W.M.P.No.2711 of 2024 is closed. W.M.P.No.2710 of 2024 filed by the petitioners to permit them to file a single writ petition is allowed and disposed of, inasmuch as they have paid separate sets of court fee.

(S.V.G., CJ.)

(D.B.C., J.)

05.02.2024

Index : Yes/No
Neutral Citation : Yes/No
sasi

To

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THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY,J.

(sasi)

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