



W.P.No.3841 of 2024

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2024

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.3841 of 2024

S.Balasubramani

.. Petitioner

Vs.

1. The District Collector
Salem District
Salem.
2. The Commissioner
Edanganasalai Municipality
Salem.
3. The Executive Officer
Edanganasalai Municipality
Salem.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorarified Mandamus calling for the records relating to the notice dated 30.01.2024 in Na.Ka.No.27/2024/F1 issued by the 2nd respondent, quash the same and consequently,



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forbear the respondents from taking proceedings against the petitioner.

For the Petitioner : Mr.J.Sudhakaran

For the Respondents : Mr.C.Kathiravan
Special Government Pleader
for Respondent-1

Mr.A.Edwin Prabakar
State Government Pleader
for Respondents 2 & 3

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.J.Sudhakaran, learned counsel for the petitioner, Mr.C.Kathiravan, learned Special Government Pleader for the first respondent and Mr.A.Edwin Prabakar, learned State Government Pleader for the respondents 2 and 3.

2. Learned counsel for the petitioner submits that the impugned notice directing eviction has been issued by the Commissioner of Edanganasalai Municipality. Prior to same, no show cause notice was issued. The land in question is a grama natham land.



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3. The impugned notice does not suggest that earlier, show cause notice was issued.

4. In the light of the above, the impugned notice dated 30.01.2024 shall be considered as the show cause notice. The petitioner shall file reply to the said show cause notice within ten days from today. The Commissioner shall pass further orders, after considering the reply filed by the petitioner, on its own merits.

5. In the light of that, the writ petition is disposed of. There shall be no order as to costs. Consequently, W.M.P.No.4150 of 2024 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

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Index : Yes/No
Neutral Citation : Yes/No

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2. The Commissioner, Edanganasalai Municipality, Salem.
3. The Executive Officer, Edanganasalai Municipality, Salem.



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

(kpl)

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