



WEB COPY



W.P.No.25635 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.09.2024

CORAM :

THE HON'BLE MR.D.KRISHNAKUMAR, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.No.25635 of 2024

1. Subramaniam
2. V.C.Perumal

.. Petitioners

Vs.

1. The Collector
Salem District
Salem.

2. The Revenue Divisional Officer
Mettur
Salem District.

3. The Tahsildar
Mettur
Salem District.

4. The Commissioner
Mettur Municipality
Mettur
Salem 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



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to the eviction notice issued by the 4th respondent in Na.Ka.No.2425/2021/F1 dated 23.08.2024 (served on 28.08.2024) and quash the same.

For the Petitioner : Mr.V.Elangovan

For the Respondents : Mr.T.K.Saravanan
Government Advocate
for Respondents 1 to 3

Mr.L.P.Maurya
for Respondent-4

ORDER

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

The writ petition has been filed challenging the eviction notice issued by the fourth respondent under Sections 182, 183, 213, 339 and 344 of the Tamil Nadu District Municipalities Act, 1920 and under Section 128 of the Tamil Nadu Urban Local Bodies Act, 1998 (amended 2022).

2. Learned counsel for the petitioners submits that pursuant to the order passed in W.P.No.21929 of 2021, notice was issued to the



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petitioners and the first petitioner submitted his objection to the respondent Municipality on 18.04.2022. However, the impugned notice has been issued by the respondent Municipality without considering the objection of the first petitioner.

3. Learned counsel for the respondent Municipality submits that the objection made by the first respondent has not been considered by the authorities concerned before issuing the impugned notice.

4. In view of the above, the impugned notice is liable to be quashed. Accordingly, the impugned notice is quashed and the respondent Municipality is directed to consider the objection of the petitioner dated 18.04.2022 and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. It is made clear that if any encroachment is found by the respondent Municipality, it can proceed further in accordance with law.

5. The writ petition is disposed of. There shall be no order as



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to costs. Consequently, W.M.P.No.27997 of 2024 seeking permission to file a single writ petition is ordered subject to payment of individual court fee and W.M.P.Nos.27998 and 27999 of 2024 are closed.

(D.K.K., ACJ.) (P.B.B., J.)
05.09.2024

Index : Yes/No
Neutral Citation : Yes/No

kpl

To

1. The Collector
Salem District
Salem.
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D.KRISHNAKUMAR, ACJ,
AND
P.B.BALAJI,J.

(kpl)

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