



WEB COPY



W.P.No.30287 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.10.2024

CORAM :

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

AND

THE HON'BLE MR. JUSTICE G.ARUL MURUGAN

W.P.No.30287 of 2024
and WMP No.32967 of 2024

Subramaniam

.. Petitioner

-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



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Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari to call for the records relating to the eviction notice issued by the 4th respondent in Na.Ka.No.2425/2021/F1 dated 01.10.2024 and quash the same.

For Petitioner	: Mr.V.Elangovan
For Respondents	: Mr.P.Bala Thandayutham Spl.Govt. Pleader For RR.1 to 3
	: Mr.L.P.Maurya For R.4

* * * * *

ORDER

(Order of the Court was made by **P.B.BALAJI, J.**)

Heard learned counsel for the petitioner, learned Special Government Pleader for respondents 1 to 3 and learned counsel for respondent No.4. By consent, the main writ petition itself is taken up for final disposal.



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2. The petitioner has filed the present writ petition seeking to quash the eviction notice in Na.Ka.No.2425/2021/F1 dated 01.10.2024.

3. The writ petitioner earlier moved this Court in W.P.No.25635 of 2024 and by order dated 05.09.2024, this Court had disposed of the writ petition quashing the impugned notice in the said writ petition and directed the Municipality to consider the objection of the petitioner dated 18.04.2022 and pass appropriate orders within a period of four weeks.

4. The grievance of the writ petitioner is that without obeying the orders of this Court and without considering the objection of the petitioner dated 18.04.2022 as well as his further objection dated 26.09.2024, the respondents have mechanically proceeded to hold that the petitioner is an encroacher and is liable to remove the encroachment.



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5. It is apparent from the impugned order that though the fourth respondent, The Commissioner, Mettur Municipality, has passed the impugned order dated 01.10.2024 by merely referring to the representation dated 26.09.2024, there is no reference to the objection of the petitioner dated 18.04.2022. Therefore, it is clear that the fourth respondent has passed the order ignoring the very letter and spirit of the order of this Court dated 05.09.2024. Hence, we have no hesitation in setting aside the impugned order dated 01.10.2024 made in Na.Ka.No.2425/2021/F1.

6. Accordingly, the impugned order dated 01.10.2024 made in Na.Ka.No.2425/2021/F1 is set aside. The fourth respondent shall issue a fresh notice and after hearing the writ petitioner and his objection dated 18.04.2022 as well as 26.09.2024, the fourth respondent shall pass orders on merits and in accordance with law. The writ petitioner shall furnish copies of the objection dated 18.04.2022 as well as 26.09.2024 within a period of one week to the fourth respondent, who shall thereafter fix a date for enquiry to hear the petitioner in person and if necessary, shall carry out a survey to mark the alleged



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encroachments made by the petitioner and pass orders in accordance with law and on merits within a period of four weeks thereafter.

With the aforesaid direction, the writ petition stands disposed of.

No costs. Consequently, connected miscellaneous petition is closed.

(P.B.B., J.) (G.A.M., J.)
09.10.2024

Index : Yes/No
NC : Yes/No

sr/sra

To

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Salem District.
3. The Tahsildar,
Mettur,
Salem District.
4. The Commissioner,
Mettur Municipality,
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P.B.Balaji, J.
and
G.Arul Murugan, J.

(sra)

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