



W.P.No.35735 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2024

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.35735 of 2023

1. N.B.Saravanan

2. S.Gayathri

.. Petitioners

Vs.

1. The Government of Tamil Nadu
Rep. by its Secretary
Housing and Urban Development Department
Fort St. George, Chennai – 600 009.

2. The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road
Egmore, Chennai – 600 008.

3. The Commissioner
Kundrathur Panchayat Union
(E) Padappai
No.1, Lalachatram Road
Kundrathur, Chennai – 600 069.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari, calling for the records of the impugned order in Letter No.5111/2023/A3 dated 20.09.2023 in the file of the third respondent and quash the same.



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For the Petitioners : Mr.B.Vasanthan

For the Respondents : Mr.P.Muthukumar
State Government Pleader
for R1 and R3

Mr.Y.Bhuvanesh Kumar
Standing Counsel
for R2

ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.B.Vasanthan, learned counsel for the petitioners,
Mr.P.Muthukumar, learned State Government Pleader for respondents
1 and 3 and Mr.Y.Bhuvanesh Kumar, learned Standing Counsel for
respondent 2.

2. It appears that a complaint was filed to the Kundrathur Panchayat Union. Pursuant to the said complaint, the Commissioner, Kundrathur Panchayat Union passed the impugned order, directing the petitioners to demolish the encroachment in the area within fifteen days.



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3. Amongst the other submissions, one of the submissions of the learned counsel for the petitioners is that prior to the impugned order being passed, no notice was served upon the petitioners. The other contention is that the Commissioner, Kundrathur Panchayat Union does not possess any authority or jurisdiction to pass such an order.

4. As it is submitted that notice was not issued prior to the impugned order and the impugned order does not suggest any notice being issued, we pass the following orders:

The impugned order dated 20.09.2023 shall be construed as a show-cause notice. The petitioners shall file a reply to the same within a period of ten days from today. If reply is filed by the petitioners within ten days, the authority shall consider the reply and the defence raised by the petitioners and then pass fresh orders in accordance with law. The authority shall also decide upon the objection raised by the petitioners as to the



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jurisdiction of the authority to pass such an order.

5. The writ petition, accordingly, stands disposed of. There shall be no order as to costs. Consequently, W.M.P.Nos.35713 and 35716 of 2023 are closed.

(S.V.G., CJ.)

(D.B.C., J.)

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Index : Yes/No
Neutral Citation : Yes/No

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

(drm)

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