



W.P.(MD) No.5254 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.03.2024

CORAM:

THE HONOURABLE **MR.JUSTICE D.KRISHNAKUMAR**

AND

THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

W.P.(MD)No.5254 of 2024

and

W.M.P.(MD)No.5039 of 2024

C.Rosammal

... Petitioner

-Vs-

1.The District Collector,
Collectorate, Nagercoil-629001,
Kanniyakumari District.

2.The Revenue Divisional Officer,
Nagercoil, Kanniyakumari District.

3.The Tahsildar,
Thiruvattar, Kanniyakumari District.

4.The Executive Officer,
Attoor Town Panchayat,
Attoor, Kanniyakumari District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order issued by the 4th respondent Executive Officer, Attoor in Na.Ka.No.



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258/2023/A1, dated 19.02.2024 quash the same and further direct the 3rd respondent to regularize the construction put up by the petitioner in her house property in the light of Section 135 of Tamil Nadu Urban Local Bodies Act, 1998.

For Petitioner : Mr.Ashaiq Ismail,
for Mr.T.Cibichakraborty
For R1 to R3 : Mr.N.Satheesh Kumar,
Additional Government Pleader

ORDER

[Order of the Court was made by *D.KRISHNAKUMAR, J.*]

Challenging the demolition notice issued by the 4th respondent dated 19.02.2024, this Writ Petition is filed with a consequential direction to the 3rd respondent to regularize the construction put up by the petitioner in her house property, in the light of Section 135 of Tamil Nadu Urban Local Bodies Act, 1998.

2.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.Mr.N.Satheesh Kumar, learned Additional Government Pleader takes notice for the respondents 1 to 3.



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4.The primordial contention of the petitioner is that the impugned demolition notice is issued without issuing any show cause notice to the petitioner. He has also relied upon the order of this Court dated 29.11.2023 made in W.P.(MD)No.27290 of 2023, wherein this Court directed the respondents to conduct field inspection of the subject property by issuing notice to all the parties and identify the unauthorized portion of the construction and initiate action to remove the same by following the procedures as contemplated under the Act. However, the respondents have not followed the said order, which amounts to disobedience of the order of this Court.

5.The learned Additional Government Pleader appearing for the respondents 1 to 3 has also fairly accepted that the petitioner has not been served with show cause notice.

6.In view of the above, the impugned order dated 19.02.2024 passed by the 4th respondent is treated as show cause notice and the petitioner is directed to submit her objection / explanation to the 4th respondent within a period of two weeks from the date of receipt of a copy of this order and on receipt of such objections, the 4th respondent is directed to consider the same and pass appropriate



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orders on its own merits and in accordance with law, within a period of eight weeks thereafter.

7.Though it is the fit case for imposing heavy cost on the respondents for issuing such mechanical order, resulting large number of litigations being filed before this Court, considering the request made by the learned Additional Government Pleader, we have not imposed any cost on the respondents. However, the 1st respondent is directed to give necessary instructions to the officers concerned for strictly complying with the directions of this Court.

8.With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.] & [R.V., J.]
07.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To

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AND

R.VIJAYAKUMAR, J.

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