



W.P(MD)No.5286 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.03.2024

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

W.P(MD)No.5286 of 2024
and
W.M.P.(MD)Nos.5070 and 5071 of 2024

1.P.Saravana Kumar
2.R.Karthikeyan
3.K.Ramasamy

... Petitioners

Vs.

1.The District Collector,
Dindigul,
Dindigul District.

2.The Tahsildar,
Kodaikanal Taluk,
Dindigul District.

3.The Executive Officer,
Pannaikadu Town Panchayat,
Kodaikanal Taluk,
Dindigul District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the 3rd respondent dated 05.02.2024 in Na.Ka.No.3/2024/ issued under Section 128 (1)(A,B) and (2) of the Tamil Nadu Urban Local Bodies Act, 1998 to remove the encroachments made in S.No.1582, Kamarajarpuram, Panaikadu Town Panchayat, Kodaikanal Taluk, Dindigul District and to quash the same as illegal and consequently, to direct the respondents by providing fair opportunity of being heard by following the procedures enumerated under Tamil Nadu Urban Local Bodies Act, 1998.

For Petitioners : Mr.C.Prithviraj

For Respondents : Mr.V.Nirmal Kumar,
Government Advocate for R1 & R2.
Mr.S.Kameswaran,
Government Advocate for R3.

ORDER

Heard both sides.

2.The impugned order calling upon the petitioners to vacate the premises in question has been issued without complying with the principles of natural justice. Section 128 (1)(b) of the Tamil Nadu Urban



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Local Bodies Act, 1998 contemplates issuance of seven days show cause notice. In this case, without doing so, the impugned order came to be straightaway passed. On this sole ground, it is set aside and the matter is remitted to the file of the third respondent. The third respondent is directed to issue proper notice to the petitioners and thereafter pass final order after hearing the petitioners.

3.This writ petition is allowed on these terms. No costs.
Consequently, connected miscellaneous petitions are closed.

(G.R.S.J.) & (B.P.J.)
07.03.2024

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

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To:-

1.The District Collector,
Dindigul, Dindigul District.

2.The Tahsildar,
Kodaikanal Taluk,
Dindigul District.

3.The Executive Officer,
Pannaikadu Town Panchayat,
Kodaikanal Taluk,
Dindigul District.

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