



W.P(MD)No.5365 of 2024 etc batch

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 07.03.2024

CORAM

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

W.P(MD)Nos.5365, 5366, 5367, 5368, 5369, 5370, 5371,
5372, 5373, 5374, 5375, 5376, 5377, 5378, 5379,
5380, 5381, 5382, 5383, 5384, 5385 & 5386 of 2024

and

W.M.P.(MD)Nos.5143, 5148, 5151, 5154, 5173, 5174, 5176,
5177, 5167, 5168, 5170, 5172, 5175, 5183, 5184,
5186, 5152, 5153, 5155, 5156, 5157 & 5180 of 2024

W.P.(MD)No.5365 of 2024:-

Prema

... Petitioner

Vs.

- 1.The Director,
Municipal Administration,
Chennai.
- 2.The Commissioner,
Land Administration & Reforms,
Ezhilagam, Chepauk,
Chennai.
- 3.The District Collector,
Sivagangai,
Sivagangai District.



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4.The Executive Officer,
Singampunari Town Panchayat,
Singampunari Taluk,
Sivagangai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the 4th respondent dated 19.01.2024 in Na.Ka.11/2020/A3 under Sec.128(1) (B) and (2) of Tamil Nadu Town and Urban Local Body Act 1998 and 35 Amended Act 2022, quash the same as illegal, arbitrary and consequently direct the respondents to issue patta or assignment patta to the petitioner in respect of the house situate in S.F.No. 562/12 situated in Singampunari Revenue Village, Singampunari Town Panchayat, Singampunari Taluk, Sivagangai District.

For Petitioner : Mr.R.Paranjothi,
For M/s.KBS Law Office.

For Respondents : Mr.K.Balasubramani,
Spl. Government Pleader.

COMMON ORDER

Heard both sides.



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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 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
ias

To:-

1.The Director,
Municipal Administration,
Chennai.

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**G.R.SWAMINATHAN, J.
and
B.PUGALENDHI, J.**

ias

- 2.The Commissioner,
Land Administration & Reforms,
Ezhilagam, Chepauk,
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- 3.The District Collector,
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