



W.P.(MD) Nos.6732, 6861, 6864, 6870 and 6874 of
2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.03.2024

CORAM:

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

AND

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

W.P.(MD)Nos.6732, 6861, 6864, 6870 and 6874 of 2024
and

W.M.P.(MD)Nos.6249, 6251, 6418 to 6421, 6426, 6428, 6431 and 6432 of 2024

G.Kannammal	... Petitioner in W.P.(MD)No.6732 of 2024
Vijaya	... Petitioner in W.P.(MD)No.6861 of 2024
Ponraj Bose @ Boomi	... Petitioner in W.P.(MD)No.6864 of 2024
Thirupathi	... Petitioner in W.P.(MD)No.6870 of 2024
Seelaikari	... Petitioner in W.P.(MD)No.6874 of 2024

-Vs-

- 1.The District Collector,
Office of the District Collector,
Madurai District.
- 2.The Commissioner,
Office of the Commissioner,
Madurai Corporation, Madurai.
- 3.The Assistant Commissioner,
Office of the Assistant Commissioner,
Madurai Corporation, Madurai.
- 4.The Tahsildar,
Office of the Tahsildar,
Madurai North, Madurai District.



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5.M.Udhayakumar

... Respondents in all W.Ps.

WEB COMMON PRAYER: Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records connected with the impugned notice issued by the 3rd respondent in No.L1/005427/2023, dated 02.01.2024 and quash the same as illegal, consequently, forbear the respondents 2 and 3 from evicting the petitioners and their family members from the dwelling houses situating in Survey Nos.29/3-12, 29/3-10, 29/3-7, 29/3-9 and 29/3-17 Vilangudi Bit II, Madurai North Taluk, Madurai District.

For Petitioners : Mr.R.Alagumani

For R1 & R4 : Mr.S.P.Maharajan,
Special Government Pleader

For R2 & R3 : Mr.K.K.Kannan,
Standing Counsel

(in W.P.(MD)Nos.6732, 6861, 6864 & 6870 of 2024)

For R2 & R3 : Mr.S.Vinayak,
Standing Counsel
(in W.P.(MD)No.6874 of 2024)

COMMON ORDER

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

Challenging the eviction notice dated 02.01.2024 issued by the 3rd respondent, these Writ Petitions are filed with a consequential direction to forbear the respondents 2 and 3 from evicting the petitioners and their family members from the dwelling houses situating in Survey Nos.29/3-12, 29/3-10, 29/3-7, 29/3-9



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and 29/3-17 Vilangudi Bit II, Madurai North Taluk, Madurai District.

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2.The learned counsel appearing for the petitioners submits that the petitioners constructed the houses in question under Tamil Nadu Urban Habitat Development Scheme and they have not encroached upon the 5 feet pathway. He further submits that without providing any show cause notice to the petitioners, the 3rd respondent issued the present impugned eviction notice and therefore, the same is liable to be set aside on the ground of violation of principles of natural justice.

3.The learned Standing Counsel appearing for the respondents 2 and 3 fairly agreed that no show cause notice has been served to the petitioners and there is no such reference even in the impugned order. Therefore, the impugned order may be treated as show cause notice, enabling the petitioners to submit their explanations / objections before the authority concerned.

4.In view of the said submission made by the learned Standing Counsel for the respondents 2 and 3, the impugned order of the 3rd respondent dated



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02.01.2024 is directed to be treated as show cause notice and even though the petitioners have already submitted their explanations, they are directed to submit their explanations / objections once again along with any additional relevant documents, if they have, before the 3rd respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the 3rd respondent is directed to consider the same and pass appropriate orders on merits and in accordance with law, after providing opportunity to all the parties concerned within a period of eight weeks from the date of receipt of the explanations / objections from the petitioners.

5. With the above direction, these Writ Petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

[D.K.K., J.] & [R.V., J.]
22.03.2024

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

Yuva

To



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