



WEB COPY



W.P.(MD) No.6771 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.03.2024

CORAM:

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

AND

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

W.P.(MD)No.6771 of 2024

and

W.M.P.(MD)No.6289 of 2024

P.Thangavel

... Petitioner

-Vs-

1.The District Collector,
Tirunelveli District, Tirunelveli.

2.The Commissioner,
Tirunelveli Corporation,
Tirunelveli.

3.The Assistant Commissioner,
Melapalayam Zone, Tirunelveli.

4.The Tahsildar,
Palayamkottai Taluk,
Tirunelveli District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned eviction notice passed by the 3rd respondent proceedings in Na.Ka.No.TP3/6575/2023, dated 11.03.2024 served to the petitioner on 16.03.2024 and quash the same as



W.P.(MD) No.6771 of 2024

illegal and consequently, to direct the respondents not to evict the petitioner's temple except under due process of law.

For Petitioner : Mr.M.Jegadeesh Pandian

For R1 & R4 : Mr.T.Amjadkhan,
Government Advocate

For R2 & R3 : Mr.S.P.Maharajan,
Standing Counsel

ORDER

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

Challenging the eviction notice dated 11.03.2024 issued by the 3rd respondent, this Writ Petition is filed with a consequential direction to the respondents not to evict the petitioner's temple except under due process of law.

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

3.Today, when the matter is taken up for admission, Mr.S.P.Maharajan, learned Standing Counsel, who takes notice for the respondents 2 and 3, fairly submits that no show cause notice has been served to the petitioner and there is no such reference even in the impugned order. Therefore, the impugned order may be treated as show cause notice, enabling the petitioner to submit his explanation / objection before the authority concerned.



W.P.(MD) No.6771 of 2024

WEB COPY

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 11.03.2024 is directed to be treated as show cause notice and the petitioner is directed to submit his explanation / objection before the authority concerned within a period of two weeks from the date of receipt of a copy of this order. If survey has not been conducted as directed by this Court in the earlier order of this Court dated 29.11.2023 passed in W.P.(MD)No.1556 of 2023, the respondents shall conduct a survey and proceed in accordance with law after considering the explanation / objection, if any submitted by the petitioner within a period of twelve weeks from the date of receipt of the explanation / objection from the petitioner.

5. 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.]
19.03.2024

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

Page 3 of 5



W.P.(MD) No.6771 of 2024

To

1. The District Collector,
Tirunelveli District, Tirunelveli.

2. The Commissioner,
Tirunelveli Corporation,
Tirunelveli.

3. The Assistant Commissioner,
Melapalayam Zone, Tirunelveli.

4. The Tahsildar,
Palayamkottai Taluk,
Tirunelveli District.



WEB COPY



W.P.(MD) No.6771 of 2024

D.KRISHNAKUMAR, J.

AND

R.VIJAYAKUMAR, J.

Yuva

W.P.(MD)No.6771 of 2024

19.03.2024