



W.P.(MD) No.10853 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.02.2024

CORAM:

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

AND

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

W.P.(MD)No.10853 of 2022

and

W.M.P.(MD)Nos.7808, 7810 and 7813 of 2022

A.Mohamed Sithik

... Petitioner

-Vs-

1.The Kayalpattinam Municipality,
Rep. by its Commissioner,
Municipal Office, Kayalpattinam,
Tuticorin District.

2.KAS.Muthu Mohamed

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned eviction notice in Na.Ka.No.191/2020/F1, dated 19.04.2022 on the file of the 1st respondent and quash the same as illegal and consequently, to forbear the respondents 1 and 2 from evicting the petitioner from his building in S.No.497/2B1A, Kayalpattinam South Village, Tiruchendur Taluk, Tuticorin District without following due process of law.



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For Petitioner : Mr.M.Mahaboob Fazil,
for M/s.T.Lajapathi Roy & Associates
For R1 : Mr.V.Nirmal Kumar,
Standing Counsel
For R2 : No Appearance

ORDER

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

The eviction notice dated 19.04.2022 issued by the 1st respondent, is under challenge in this Writ Petition.

2.According to the petitioner, he is in possession and enjoyment of the land in S.No.497/2B1A, Kayalpattinam South Village, Tiruchendur Taluk, Tuticorin District and patta also stands in his name. However, without verifying the revenue records and without providing any opportunity to the petitioner, the 1st respondent has issued the impugned eviction notice. Therefore, the same is liable to be quashed on the ground of violation of principles of natural justice.

3.We have gone through the impugned eviction notice dated 19.04.2022 and we are of the view that the eviction notice is issued to the petitioner without providing any opportunity to him and therefore, on this ground, the same is liable



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to be quashed, accordingly, it is quashed and the matter is remanded back to the 1st respondent to consider the same afresh and pass appropriate orders on merits and in accordance with law, after providing opportunity to the petitioner as well as any other interested parties. The said exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.

4. With the above direction, this Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

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

27.02.2024

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

Yuva

To

The Commissioner,
Kayalpattinam Municipality,
Municipal Office, Kayalpattinam,
Tuticorin District.



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