



W.P.(MD).No.10609 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 17.12.2024

CORAM

**THE HONOURABLE MR.JUSTICE M.S.RAMESH
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.P.(MD).No.10609 of 2021
and
W.M.P.(MD).Nos.8263 and 8265 of 2021

Jahir Hussain

... Petitioner

Vs.

- 1.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 2.The Assistant Director of Town Panchayat,
Sivagangai Zone,
Sivagangai,
Sivagangai District.
- 3.The Tahsildar,
Mudhukulathur Taluk Office,
Mudhukulathur,
Ramanathapuram District.
- 4.The Executive Officer,
Mudhukulathur Town Panchayat Office,
Mudhukulathur,
Mudhukulathur Taluk,
Ramanathapuram District.
- 5.Kamitha Beevi

... Respondents



W.P.(MD).No.10609 of 2021

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorari, calling for the entire records, pertaining to the impugned memo, which was sent by the 4th respondent to the petitioner, as Na.Ka.No.A2/167/2021, dated 15.06.2021 and quash the same as illegal.

For Petitioner : Mr.P.Santhana Krishnan
For R-1 to R-3 : Mr.S.R.A.Ramachandran
Additional Government Pleader
For R-4 : Mr.A.K.Manikkam
For R-5 : Mr.V.Meenakshi Sundaram
for Mr.A.Arputharaj

ORDER

(Order of the Court was made by M.S.RAMESH,J.)

The present Writ Petition is filed challenging the impugned memo issued by the fourth respondent dated 15.06.2021.

2. The impugned memo dated 15.06.2021, calling upon the petitioner to remove the encroachments in Survey No.35/1A, is not in accordance with the procedure contemplated under the Tamil Nadu Urban Local Bodies Act, 1998, for evicting a encroacher. As per Section 128(1)(b) of the Tamil Nadu Urban Local Bodies Act, a show cause notice is required to be issued before an eviction order is passed. This notice is conspicuously absent in the present case.



W.P.(MD).No.10609 of 2021

3. In view of the same, the impugned memo issued by the fourth respondent dated 15.06.2021 is quashed. The official respondents are at liberty to initiate eviction proceedings in accordance with the procedure contemplated under Section 128 of the Tamil Nadu Urban Local Bodies Act.

4. Accordingly, the Writ Petition stands allowed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(M.S.R.,J.) (A.D.M.C.,J.)
17.12.2024

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

To

- 1.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 2.The Assistant Director of Town Panchayat,
Sivagangai Zone,
Sivagangai, Sivagangai District.
- 3.The Tahsildar,
Mudhukulathur Taluk Office,
Mudhukulathur, Ramanathapuram District.
- 4.The Executive Officer,
Mudhukulathur Town Panchayat Office,
Mudhukulathur, Mudhukulathur Taluk,
Ramanathapuram District.



WEB COPY



W.P.(MD).No.10609 of 2021

M.S.RAMESH,J.
and
A.D.MARIA CLETE,J.

Lm

W.P.(MD).No.10609 of 2021

17.12.2024