



W.P.(MD) No.12880 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.02.2024

CORAM:

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

AND

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

W.P.(MD)No.12880 of 2019

and

W.M.P.(MD)No.9578 of 2019

Bhagavathy

... Petitioner

-Vs-

The Commissioner,
Kadayanallur Municipality,
Tirunelveli District.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the order passed by the respondent in his proceedings in Na.Ka.No.1650/2019/F1, dated 27.05.2019 and quash the same as illegal.

For Petitioner : Mr.T.Lenin Kumar

For Respondent : Mr.S.P.Maharajan,
Special Government Pleader



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ORDER

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

The petitioner has filed this Writ Petition, challenging the eviction notice dated 27.05.2019 issued by the respondent Municipality on the ground that the same is issued without issuing any show cause notice to him and therefore, the same is liable to be quashed on the ground of violation of principles of natural justice.

2. There is no representation on behalf of the respondent. Hence, Mr.S.P.Maharajan, learned Special Government Pleader is directed to take notice for the respondent.

3. On perusal of the materials available on records, it is seen that the impugned eviction notice has been issued without issuing any show cause notice to the petitioner. Therefore, the impugned eviction notice dated 27.05.2019 is to be treated as show cause notice, enabling the petitioner to submit his objections / explanations to the respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of such objections / explanations from the petitioner, the respondent Municipality is directed to consider the same and



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pass appropriate orders on its own merits and in accordance with law within a period of six weeks thereafter.

4. 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.]
29.02.2024

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

Yuva

To

The Commissioner,
Kadayanallur Municipality,
Tirunelveli District.



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