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W.P.(MD)No.3104 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.3104 of 2014

and

M.P.(MD)Nos.1 & 2 of 2014

D.M.Stephen Jebaraja

: Petitioner

Vs.

The Executive Officer,
Selection Grade Town Panchayat,
Surandai,
Tirunelveli District.

: Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorari, calling for the records of the impugned order dated 17.02.2014 issued by the respondent directing the petitioner to demolish the compound wall of the house bearing D.No.14-5-58, Nesavalur Street, 14th Ward, Surandai, Tirunelveli District and quash the same.



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For Petitioner : Mr.T.Antony Arul Raj
For Respondent : Mr.T.Amjad Khan
Government Advocate

ORDER

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

The petitioner seeks to quash the impugned order dated 17.02.2014 issued by the respondent directing the petitioner to demolish the compound wall of the house bearing D.No.14-5-58, Nesavalur Street, 14th Ward, Surandai, Tirunelveli District.

2.The learned Counsel for the petitioner submits that the impugned order has been passed without giving an opportunity for the petitioner, which amounts to violation of principles of natural justice.

3.On perusal of the materials available on record, it is seen that the said fact has not been disputed by the learned Government Advocate for the respondent and therefore, we come to the conclusion that the impugned order is passed by the respondent without providing opportunity to the petitioner. Hence, on that ground, the impugned order is quashed. However, liberty is granted to the respondent Town Panchayat to issue orders afresh



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after following the procedures as contemplated under the law and after providing adequate opportunity to the petitioner.

4.Accordingly, this writ petition stands allowed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

[D.K.K.,J.] & [R.V.,J.]
26.03.2024

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR

To
The Executive Officer,
Selection Grade Town Panchayat,
Surandai,
Tirunelveli District.



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D.KRISHNAKUMAR, J.

and

R.VIJAYAKUMAR, J.

MR

ORDER MADE IN

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