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W.P.(MD)No.8279 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.8279 of 2014

and

M.P.(MD)No.1 of 2014

Jumma Pallivasal

Rep. by its President,

Mahaboob John,

Srivilliputtur,

Virudhunagar District – 626 125.

: Petitioner

Vs.

1.The Public Information Officer,

Cum Municipal Manager,

Srivilliputtur Municipality,

Srivilliputtur – 626 125.

2.T.Jahirhussain

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorari, calling for the records of the first respondent in Na.Ka.No.1950/2014/F1 dated 29.04.2014 and quash the same.



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For Petitioner : Mr.S.Venkatesh
for Mr.A.Sivaji

For Respondent No.1 : No appearance

For Respondent No.2 : Mr.M.Jothi Basu

O R D E R

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

The petitioner seeks to quash the impugned order of the first respondent in Na.Ka.No.1950/2014/F1 dated 29.04.2014.

2.The petitioner has challenged the impugned notice issued by the respondent Municipality on the ground that the aforesaid notice has been issued based on the information provided to one Jahirhussain and the copy has been communicated to the petitioner. According to the petitioner, it is only an information obtained by the said Jahirhussain under the Right To Information Act. Further, the order of eviction has been passed without giving any opportunity to the petitioner. Therefore, the impugned order is liable to be quashed.

3.The notice has been issued by the Public Information Officer, Srivilliputhur Municipality, who is not the competent authority for evicting the petitioner from the property in question.



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4.Therefore, we are of the view that the impugned order is liable to be quashed on the ground that the same has not been passed by the competent authority and further, no opportunity has been granted to the petitioner.

5.Therefore, the impugned order is quashed. However, it is open to the Municipality officials to take necessary action for removal of the encroachments, if any, by following the procedures as contemplated under the Rules.

6.Accordingly, this Writ Petition is allowed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

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

26.03.2024

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR



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To
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Srivilliputtur Municipality,
Srivilliputtur – 626 125.



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D.KRISHNAKUMAR, J.

and

R.VIJAYAKUMAR, J.

MR

ORDER MADE IN

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