



W.P(MD)No.22231 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 15.10.2024

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

W.P(MD)No.22231 of 2024

and

W.M.P.(MD)Nos.18789 and 18790 of 2024

P.Muthusamy

... Petitioner

Vs.

1.The Tahsildar,
Kumbakonam Taluk,
Kumbakonam,
Thanjavur District.

2.The District Collector,
Thanjavur District,
Thanjavur.

3.The Commissioner,
Kumbakonam Municipality,
Kumbakonam,
Thanjavur District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the proceedings of the impugned Notice in



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Na.Ka.No.8677/2021/D1 dated 28.08.2024 on the file of the third respondent and quash the same.

For Petitioner : Mr.S.Selva Aditya,
For Mr.G.Prabhu Rajadurai.

For Respondents : Mr.K.Balasubramani,
Spl. Government Pleader for R1 & R2.
Mr.M.Rajarajan for R3.

ORDER

Heard both sides.

2.The impugned order is set aside on the sole ground of violation of principles of natural justice. Section 128 of the Tamil Nadu Urban Local Bodies Act, 1998 contemplates issuance of notice before taking any action for removal of encroachment. In this case, admittedly, such a notice has not been issued. On this sole ground, the impugned order is set aside and the matter is remitted to the file of the third respondent. The third respondent will issue fresh notice to the writ petitioner and the writ petitioner will be given full opportunity to place all the materials in his favour before the third respondent. If the third respondent passes any



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adverse order, it shall be not given effect to for a period of three weeks so that the petitioner will have breathing time to move this Court again for appropriate relief.

3.This writ petition is allowed on these terms. No costs.
Consequently, connected miscellaneous petitions are closed.

**(G.R.S.J.) & (B.P.J.)
15.10.2024**

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

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Kumbakonam Taluk,
Kumbakonam,
Thanjavur District.
- 2.The District Collector,
Thanjavur District,
Thanjavur.
- 3.The Commissioner,
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and
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