



W.P.(MD).No.26947 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 13.11.2024

CORAM

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

W.P.(MD).No.26947 of 2024
and
W.M.P.(MD).Nos.22824 and 22916 of 2024

Lakshmi

... Petitioner

Vs.

1.The District Collector-Cum-
Monitoring Committee,
Sivagangai District.

2.The Commissioner,
Karaikudi Corporation,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorari, to call for the records pertaining to the impugned order dated 07.08.2024 passed by the second respondent vide proceeding ந.க.எண்:5201/2019/எபி1 and quash the same as illegal.

For Petitioner	: Mr.C.Senthil Murugan
For R-1	: Mr.S.Shaji Bino Special Government Pleader
For R-2	: Mr.D.Venkatesh Standing Counsel



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ORDER

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

By consent of both sides, the Writ Petition is taken up for final disposal at the stage of admission itself.

2. The notice of eviction under Section 128(1)(b) of the Tamil Nadu Urban Local Bodies Act, 1998 (hereinafter referred to as 'Act'), is under challenge in this Writ Petition. The main ground on which the Writ Petition has been filed is that no prior notice was issued before the final order under Section 128 of the Act was passed.

3. A perusal of the impugned order also does not indicate the issuance of a show cause notice as contemplated under Section 128(1)(b) of the Act. When the Act mandates the issuance of a show cause notice, the present impugned order without adhering to the procedure prescribed therein cannot be legally sustained.

4. Accordingly, the impugned order dated 07.08.2024 on the file of the second respondent is quashed. However, liberty is hereby granted to the second



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respondent herein to initiate eviction proceedings in accordance with the procedure contemplated under Section 128 of the Act.

5. With the above liberty, 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.)
13.11.2024

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

To
1.The District Collector-Cum-Monitoring Committee,
Sivagangai District.

2.The Commissioner,
Karaikudi Corporation,
Sivagangai District.



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