



W.P.(MD) No.51 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.01.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P.(MD) No.51 of 2024
and W.M.P.(MD) No.39 of 2024**

A.Rajendran

... Petitioner

-VS-

- 1.The Director of Municipalities,
O/o. Director of Municipalities,
Chennai.
- 2.The Assistant Director of Municipalities,
O/o. Assistant Director of Municipalities,
Theni Zone.
- 3.The District Collector,
O/o. Collectorate,
Theni District.
- 4.The Assistant Divisional Engineer,
O/o. Assistant Divisional Engineer,
Highway Department,
Bodinayakanur,
Theni District.



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5.The Executive Officer,
Pannaipuram Municipality,
O/o. Pannaipuram Municipality,
Pannaipuram Town,
Theni District.

6.The Thasildar,
O/o. Uthamapalayam Taluk,
Theni District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, to call for the records on the file of the 5th respondent in pursuant to the impugned order of eviction passed by him vide his Proceedings Na.Ka.No. 103/2023 dated 26.10.2023 and quash the same.

For Petitioner : Mr.P.Veerapandi

For Respondents : Mr.S.P.Maharajan
Special Government Pleader

ORDER

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

The Writ Petition has been filed challenging the order of eviction passed by the 5th respondent vide his proceedings in Na.Ka.No. 103/2023, dated 26.10.2023.



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

3. According to the petitioner, the impugned order is violative of principles of natural justice and the same has not followed Section 166 of the Tamil Nadu District Municipalities Act, 1920.

4. Learned Special Government Pleader appearing for the respondents fairly conceded that no show cause notice has been served on the petitioner before issuing the impugned order and the particulars of the property in question has not been given in the impugned order and further they have not followed the procedures as contemplated under the Tamil Nadu District Municipalities Act, 1920.

5. Since the impugned order has been passed in violation of the principles of natural justice, we are inclined to set aside the same. Accordingly, the Writ Petition is allowed and the order of eviction passed by the 5th respondent vide his proceedings in Na.Ka.No. 103/2023, dated 26.10.2023 is set



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WEB COPY aside. However, the respondents are at liberty to proceed in accordance with law and as per the procedures contemplated under the Tamil Nadu District Municipalities Act, 1920. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

[D.K.K., J.] [R.V., J.]
03.01.2024

Index : Yes / No
Internet : Yes / No
SJ

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and
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