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W.P.(MD) No.7792 of 2025

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 16.06.2025**

**CORAM:**

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM  
and  
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

**W.P.(MD) No.7792 of 2025  
and  
W.M.P.(MD) No.5902 of 2025**

S.Venkatachalam

... Petitioner

-vs-

1.The Commissioner  
Karur City Municipal Corporation  
Karur

2.The District Collector  
Karur District

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari to call for the records of the impugned order in Na.Ka. 7943/2012/F1, dated 27.11.2023, on the file of first respondent and the consequential impugned order in Na.Ka.7943/2012/F1, dated 10.03.2025, on the file of first respondent and quash the same.



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[Prayer is amended *vide* Court order dated 21.04.2025 in W.M.P.(MD) No.6648 of 2025]

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondents : Mr.K.Balasubramanian  
Standing Counsel for R1  
Mr.M.Sarangan  
Additional Government Pleader for R2

### **ORDER**

**[Order of the Court was made by S.M.SUBRAMANIAM, J.]**

The notices issued by the first respondent – Karur City Municipal Corporation, are under challenge in the present writ petition.

**2.** The petitioner was construed as an encroacher and eviction proceedings were initiated against him. Consequently, a notice has been issued to the petitioner directing him to vacate the premises and hand over vacant possession to the Corporation.

**3.** Learned counsel for the petitioner would submit that no opportunity as contemplated under the statute has been provided to the



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petitioner before issuing the eviction notice and thus, the impugned notices are in violation of the principles of natural justice. He would further submit that in respect of the same premises, yet another occupant one Ms.B.Soundarammal filed Civil Appeal No.12535 of 2024 before the Honourable Supreme Court of India and the Apex Court, by an order dated 19.11.2024, remanded the matter back to the authority concerned and directed the Corporation Authorities to issue notice afresh, afford an opportunity of personal hearing to her and thereafter take a final decision for removal of encroachments in accordance with law. Therefore, he would submit that it would suffice if the same direction is issued to the petitioner in the present writ petition also.

**4.** Learned Standing Counsel appearing for the first respondent and the learned Additional Government Pleader appearing for the second respondent have no serious objection for affording an opportunity of hearing to the petitioner.

**5.** In view of the above, the first respondent is directed to issue a fresh notice to the petitioner calling upon him to submit his explanation /



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defence statement, if any, and after receiving explanation / defence statement from the petitioner, take a final decision and thereafter, continue the enforcement action for removal of encroachments as contemplated under law. Till final decision is taken, the possession of the petitioner shall not be disturbed.

**6.** With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

**[S.M.S., J.]**

**[A.D.M.C., J.]**

**16.06.2025**

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

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To:  
The District Collector,  
Karur District.



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**S.M.SUBRAMANIAM, J.**  
**and**  
**DR.A.D.MARIA CLETE, J.**

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