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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.09.2025

CORAM:

THE HONOURABLE Ms.JUSTICE P.T.ASHA

W.P.(MD) No.11093 of 2018
W.M.P(MD).No.10158 of 2018

S.Natarajan

... Petitioner

-VS-

1.The Secretary,
Rural Development and Local
Administration Department,
Fort St.George, Chennai 600 009.

2.The Commissioner,
Virudhunagar Municipality,
Virudhunagar.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed in Na.Ka.No.1506/1994/A1 dated 08.05.2018 on the file of the second respondent office and quash the same as illegal and consequently directing the respondents 1 and 2 to execute the sale deed in respect of the house bearing No.38, LIG Colony, Virudhunagar in favour of the petitioner within a stipulated time.

For Petitioner : Mr.S.Karthikeyan



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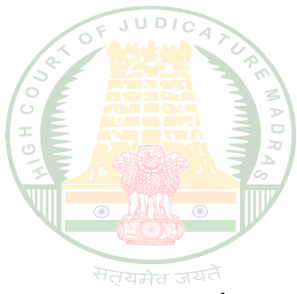
For Respondents : Mrs.S.Jeya Priya (for R1)
Government Advocate
Mr.M.Muthugeethayan (for R2)

ORDER

This writ petition has been filed to quash the impugned order passed in Na.Ka.No.1506/1994/A1 dated 08.05.2018 on the file of the second respondent office and consequential direction to the respondents 1 and 2 to execute the sale deed in respect of the house bearing No.38, LIG Colony, Virudhunagar in favour of the petitioner.

2. The learned counsel for the petitioner would submit that without prior notice to the petitioner, the order of eviction has been passed against the petitioner, which violates the principle of natural justice.

3. A plain reading of the impugned order itself shows that it has been issued without following the procedure as contemplated under the Public Premises (Eviction of unauthorised Occupant) Act, 1971. No show cause notice as contemplated under Section 4 of the Act has been issued. Therefore, the impugned order suffers from irregularity. Accordingly, the



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impugned order is set aside, however the same shall be treated as show cause notice. The petitioner shall submit his explanation/objection within three weeks from the date of receipt of a copy of this order. The respondents shall thereafter proceed as per law, after giving opportunity of hearing to the petitioner.

4. With the above observations, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

17.09.2025

NCC : Yes/No
Index : Yes/No
Rmk

To

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Administration Department,
Fort St. George, Chennai 600 009.

2. The Commissioner,
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P.T.ASHA, J.

Rmk

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