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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) Nos.11157 and 11158 of 2018
W.M.P(MD).Nos.10203 and 10204 of 2018

Kasthuri

... Petitioner in
W.P(MD).No.11157 of 2018

G.Subramaniyan

.... Petitioner in
W.P(MD).No.11158 of 2018

-VS-

The Commissioner,
Virudhunagar Municipality,
Virudhunagar.

... Respondent in both
petitions

Prayer in both petitions: Petitions 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 in Na.Ka.No.1506/1994/A1 dated 08.05.2018 of the respondent herein and quash the same.

In both petitions

For Petitioners : Mr.S.Karthikeyan
For Respondent : Mr.M.Muthugeethayan



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COMMON ORDER

Challenging the impugned order in Na.Ka.No.1506/1994/A1 dated 08.05.2018 issued by the respondent, these petitions have been filed.

2. The learned counsel for the petitioners would submit that without prior notice to the petitioners, the order of eviction has been passed against the petitioners, 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 impugned order is set aside, however the same shall be treated as show cause notice. The petitioners shall submit their explanation/objection within three weeks from the date of receipt of a copy of this order. The respondent shall thereafter proceed as per law, after giving opportunity of hearing to the petitioners.



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4. With the above direction, there Writ Petitions are allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

17.09.2025

NCC : Yes/No
Index : Yes/No
Rmk

To
The Commissioner,
Virudhunagar Municipality,
Virudhunagar.



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P.T.ASHA, J.

Rmk

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