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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.11233, 11234, 11235, 11236, 11118, 11119 and 11120 of 2018

W.M.P(MD).Nos.10268, 10269, 10270, 10271, 10172, 10173, 10174 of 2018

K.Arunachalam ... Petitioner in
W.P(MD).No.11233 of 2018

K.Periyasamy Petitioner in
W.P(MD).No.11234 of 2018

S.Gnanamani Petitioner in
W.P(MD).No.11235 of 2018

A.S.Samuvel Raja Petitioner in
W.P(MD).No.11236 of 2018

M.Chellam Jayaseeli Petitioner in
W.P(MD).No.11118 of 2018

V.Kaliappan Petitioner in
W.P(MD).No.11119 of 2018

N.Nagalingam Petitioner in
W.P(MD).No.11120 of 2018

-VS-



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The Commissioner,
Virudhunagar Municipality,
Virudhunagar.

... Respondent in all
petitions

Prayer in all 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 all petitions

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

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.



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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.

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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11235, 11236, 11118, 11119 and
11120 of 2018**

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