



W.P(MD) No.1352 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 18.03.2026

CORAM

**THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR. JUSTICE P.B.BALAJI**

**W.P(MD)No.1352 of 2022
and
W.M.P(MD)Nos.1194 & 1197 of 2022**

P.Veerapathiran

... Petitioner

Vs

1.The District Collector,
Theni District,
Theni.

2.The Thasildar,
Uthamapalayam Taluk,
Theni District.

3.The Commissioner,
Cumbum Municipality,
Theni District.

4.Rajangam
***(R.4 is impleaded vide order of
this Court dated 18.03.2026 in
W.M.P(MD)No.5809 of 2022)***

... Respondents



W.P(MD) No.1352 of 2022

PRAYER :-

Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned Eviction Notice issued by the third respondent in his Proceedings in Na.Ka.No.3218/2019/F1 dated 20.09.2021 and quash the same insofar as the petitioner is concerned and consequently direct the second respondent to issue patta to the petitioner in respect of his dwelling house situate in a Natham poramboke land in T.S.No.47, Old S.No.S.S.No.65,2177/1 part, 2178/Part at Ward A, Uthamapuram, Cumbum town to an extent of 360 square feet.

For Petitioner : Mr.R.Gowrishankar

For Respondents : Mr.G.V.Vairam Santhosh
Special Government Pleader
for R.1 & R.2

M/s.K.Hema Karthikeyan
for R.3

Mr.S.Saravana Kumar
for R.4

JUDGMENT

(Judgment of the Court was made by G.R.Swaminathan J.)

Heard both sides.



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2.By the impugned order, the Commissioner, Cumbum Municipality had called upon the writ petitioner to remove the alleged encroachment. Before issuing the impugned order under Section 182 of the Tamil Nadu District Municipalities Act, 1920, no showcase notice was issued. It is true that the Act is silent about issuance of notice. However, the principles of natural justice will have to be read into such provisions. It is relevant to note that the new enactment contains a specific provision for issuing show cause notice. In this view of the matter, the order impugned in the writ petition is quashed. Liberty is given to the local body to take action as per law.

3.This Writ Petition is allowed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

[G.R.S., J.] [P.B.B, J.]
18.03.2026

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



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To

WEB COPY

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WEB COPY



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G.R.SWAMINATHAN, J.

AND

P.B.BALAJI, J.

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