



W.P(MD) No.16505 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 11.03.2026

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MS.JUSTICE R.POORNIMA**

**W.P(MD) No.16505 of 2024
&
W.M.P.(MD)No.14290 of 2024**

P.Geetha

... Petitioner

Vs.

**1.The Commissioner,
Municipality Office,
Rajapalayam Municipality,
Rajapalayam,
Virudhunagar District.**

**2.The Tahsildar,
Rajapalayam Taluk Office,
Rajapalayam,
Virudhunagar District.**

3.S.M.Ragupathi Raja

4.R.Ramesh Kumar

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the impugned proceedings of the 1st respondent in Na.Ka.No.F1/2581/2023 dated 11.07.2024 and quash the same.

For Petitioner : Mr.A.Mohammed Haneef

For Respondents : Mr.N.Dilip Kumar
for R1
: Mr.S.Vinodh
Government Advocate
for R2
: Mr.K.Sudalayiyandi
for R3

ORDER

(Order of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard both sides.

2. The petitioner challenges the impugned communication dated 11.07.2024 issued by the Commissioner, Rajapalayam Municipality calling upon the writ petitioner to remove the petition mentioned encroachment.



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3. It is seen that this order was preceded by quite a few notices.

Last one was dated 04.06.2024. In response to the same, the petitioner had offered her objections dated 13.06.2024. It was also received by the respondent on 18.06.2024. The petitioner had called upon the authority to treat her earlier explanation dated 29.01.2024 and 31.01.2024 as part and parcel of her objections.

4. A mere look at the impugned communication would show that the writ petitioner's explanation / objections were not considered at all. When the noticee offers his or her objection, it is the duty of the authority to consider the same before passing final order. Since such course of action was not adopted and peremptory direction was issued, we set aside the impugned communication dated 11.07.2024. The matter is remitted to the file of the Commissioner, Rajapalayam Municipality to pass an order afresh on merits and in accordance with law. The Commissioner, Rajapalayam Municipality shall hear the writ petitioner as well as the complainant in person before passing final order.



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WEB COPY 5. The Writ Petition is disposed of accordingly. No costs.

Consequently, connected miscellaneous petition is closed.

(G.R.S., J.) (R.P., J.)
11.03.2026

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

To

The Tahsildar,
Rajapalayam Taluk Office,
Rajapalayam,
Virudhunagar District.



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