

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2015

CORAM

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P. Nos. 33431 to 33433 of 2014 & M.P. Nos.1,1 and 1 of 2014

Dayalan Rajes

Petitioner in all the WPs

vs.

1 The District Collector,
Salem District,
Salem.

2 The Tahsildar,
Taluk Office,
Yercaud, Salem District.

Respondents in all the WPs

Writ Petitions filed under Article 226 of the Constitution of India seeking a writ of certiorari calling for the records of the 2nd respondent in his notice dated 11.12.2014 passed in Na.Ka.No.2298/2012 (B) issued to the petitioner and quash the same in respect of his properties comprised in (i) Survey No.60/2, Nagalur Village, Yercaud Taluk, Salem Dist, (ii) Survey No. 50 Semmantham Village, Yercaud Taluk, Salem Dist. and (iii) Survey No. 32/1A1 Mangalam Village, Yercaud Taluk, Salem District respectively under the petitioner's occupation, possession and enjoyment having his own cultivations.

For petitioner in Mr. A. Damodaran
(in all the WPs)

For respondents Mr.P.S.Sivashanmugasundaram
(in all the WPs) Spl. Govt. Pleader

COMMON ORDER

(Order of the Court was made by SATISH K. AGNIHOTRI, J.)

These writ petitions are filed to quash the orders/notices of the second respondent dated 11.12.2014, wherein, the petitioner was

directed to remove the encroachment within two days.

2. Mr. P.S.Sivashanmughasundaram, learned Special Government Pleader accepts notice on behalf of the respondents.

3. The primary case of the petitioner is that the impugned notices/orders dated 11.12.2014 calling upon him to remove the alleged encroachment was passed without complying with the principles of natural justice, as he was not notified earlier to put forward his case.

4. At this juncture, it is submitted by the learned Special Government Pleader that before passing the impugned orders dated 11.12.2014, proper notices were issued to the petitioner on 24.11.2014, affording an opportunity to him to offer his explanation with regard to the encroachments. Consequent thereupon, the petitioner has also submitted his explanation on 05.12.2014 and only thereafter, the impugned orders have been passed.

5. In view of the foregoing, though the petitioner may not have grievance that an opportunity of hearing was not afforded to him, however, on his request that he be permitted to produce some more documents and materials before the authority, before action of removal of alleged encroachment is taken, we deem it just and proper to grant two more weeks' time to the petitioner to file additional materials, if any, before the concerned authority. Thereafter, the first respondent shall be under statutory obligation to take action for the removal of the encroachment, if any, on the land in question, on merits and in accordance with law. Such exercise shall be completed within a period of 6 weeks thereafter.

6. The writ petitions stand disposed of accordingly. No costs. Connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ra/cad

To

1 The District Collector
Salem District
Salem

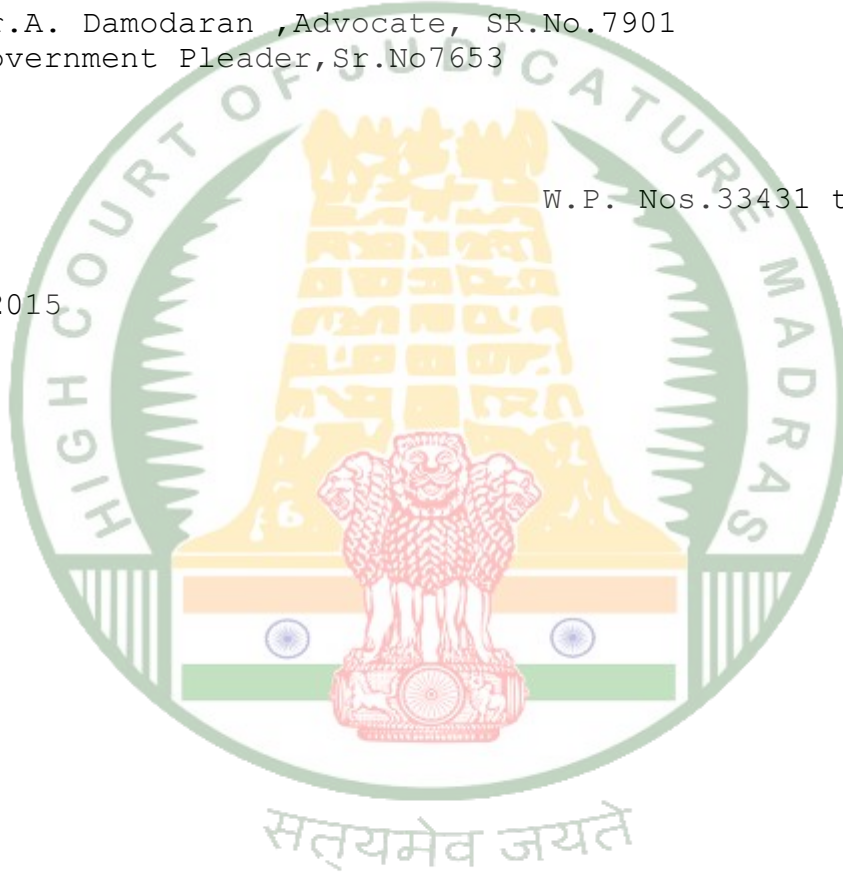
2 The Tahsildar
Taluk Office
Yercaud, Salem District.

3 cc to Mr.A. Damodaran ,Advocate, SR.No.7901

1 cc to Government Pleader,Sr.No7653

W.P. Nos.33431 to 33433 of 2014

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