

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 1/7/2015

C O R A M

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

W.P. No.1908 of 2015  
and  
M.P. No.1 of 2015

M. Senthil Kumaran @ Senthil ... Petitioner

Vs

1. The Executive Officer  
Pennadam Town Panchayat  
Pennadam  
Cuddalore District.

2. The Revenue Tahsildar  
Thittakudi Taluk  
Cuddalore District.

3. The District Collector  
Cuddalore District  
Cuddalore.

... Respondents

Prayer:-Writ Petition filed under Article 226 of the Constitution of India seeking for the issuance of a writ of certiorari to call for the records relating to the order made in Na.Ka.No.A1/154/2011 dated 14/1/2015 on the file of the first respondent herein and quash the same.

For petitioner : Mr.C.Munusamy

For respondents : Mr.P.S.Sivashanmugasundram  
Special Government Pleader  
for R.R.1 to 3

O R D E R

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

With the consent of both parties, this writ petition is taken up for final disposal.

2. Assailing the order dated 14.01.2015, the petitioner has come up with this writ petition on the ground that before passing the said order for removal, the order of this Court dated 22.08.2014 passed in W.P.No. 2885 of 2014 was not complied with, wherein, this Court has clearly observed that before taking steps for removal, proper opportunity of hearing be given to the alleged encroachers.

3. The writ petitioner has come up earlier against the order dated 06.01.2014 passed by the first respondent in WP No. 2885 of 2014 whereunder, the said notice was treated as a show cause notice, giving liberty to the petitioner to file an explanation within a period of two weeks. Pursuant thereto, the petitioner has submitted his explanation on 20.9.2014, enclosing a copy of the pattas issued in favour of other persons in respect of the land in question. Without adverting to the averments made in the explanation, the impugned order has been passed in a mechanical and cryptic manner for removal of the encroachment.

4. The first respondent had filed a counter affidavit stating therein that proper opportunity of hearing was given to the petitioner and his explanation was also considered before passing the impugned order.

5. Be that as it may, on a perusal of the impugned order, it is found that there is no indication in respect of consideration of the documents stated to be enclosed by the petitioner. Thus, the impugned order is liable to be set aside and is accordingly set aside.

6. Resultantly, this writ petition is allowed. The first respondent is directed to pass a reasoned order adverting to each and every averment in the petitioner's explanation and also considering the documents filed on 20.09.2014 along with the explanation and take consequential action, expeditiously. No costs. Connected M.P.No.1 of 2015 is closed.

Sd/-  
Assistant Registrar

True Copy

Sub Assistant Registrar

ra  
To

1. The Executive Officer  
Pennadam Town Panchayat  
Pennadam  
Cuddalore District.

2. The Revenue Tahsildar  
Thittakudi Taluk  
Cuddalore District.

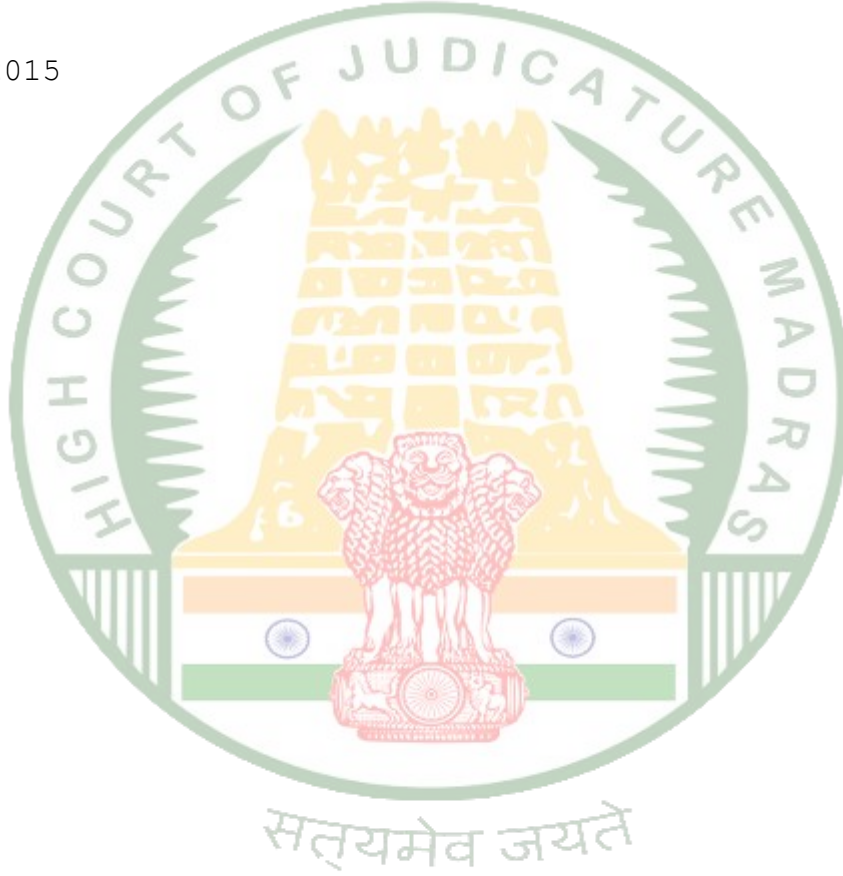
3. The District Collector  
Cuddalore District  
Cuddalore.

1 cc to Mr.C.Munusamy , Advocate Sr.No.32460

1 cc to Government Pleader.Sr.No.33002

W.P. No.1908 of 2015

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