

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI  
AND  
THE HON'BLE DR.JUSTICE P. DEVADASS

W.P.No.37061 of 2015

Papaiah

... Petitioner

Vs

1. The Secretary to Government,  
Rural Development and Panchayat Raj  
Department, District Collector Office  
Krishnagiri-635 115
- 2 The Director,  
Directorate of Rural Development and  
Panchayat Raj Department, Panagal Maaligai  
Saidapet, Chennai-600 015
- 3 The District Collector  
Krishnagiri
- 4 Block Development Officer  
Village Panchayat, Soolagiri
- 5 The Chairman  
Osahalli Panchayat , Osahalli,  
Krishnagiri
- 6 Lakshmana Gounder ... Respondents

Writ petition filed under Article 226 of the Constitution  
seeking for the issuance of a writ of Certiorari calling for the

records leading to pass the impugned order of the fourth respondent dated 17.07.2015 passed in Na.Ka.No.1111/2015/E-2 and quash the same.

For Petitioner : Mr. C. Jagadish

For Respondents : Mrs. A. Srijayanthi  
Spl. Govt. Pleader 1 to 3

#### ORDER

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

Mrs. A. Srijayanthi, learned Special Government Pleader, accepts notice for the respondents 1 to 5. Notice to the sixth respondent is dispensed with at this stage, inasmuch as no adverse order is passed against him in this writ petition. Thus, with the consent of the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents 1 to 5, the writ petition is taken up for final disposal, at the admission stage itself.

2 Questioning the justifiability of the order dated 17 July 2015 passed by the fourth respondent, the present writ petition is filed.

3 One Lakshmana Gounder filed a writ petition being W.P.No. 18540 of 2015 seeking a direction to the official respondents to initiate action against the illegal construction allegedly made by the fifth respondent/writ petitioner herein. A Division Bench of this Court, wherein one of us (Satish K. Agnihotri, J.) was a Member, by order dated 26 June 2015, disposed of the said writ petition directing the official respondents therein to consider the representation dated 07 April 2015 and take a decision, after affording an opportunity of hearing to the alleged encroachers. It was alleged in the earlier writ petition that the present writ petitioner is an encroacher.

4 Pursuant to the order of this Court dated 26 June 2015, the instant impugned order has been passed by the fourth respondent, viz., Block Development Officer, directing the fifth respondent, viz., the Chairman of the Panchayat, to take appropriate action as per the aforestated order dated 26 June

2015 and submit a report with a copy endorsed to the present writ petitioner.

5 According to the learned counsel for the petitioner, the petitioner is entitled to an opportunity of hearing as ordered earlier. But, no opportunity of hearing was given to him before the impugned order was passed. Thus, the petitioner be given an opportunity to put forward his case before a decision is taken by the authorities.

6 Learned Special Government Pleader appearing for the official respondents fairly submits that the impugned letter be treated as a notice granting liberty to the petitioner to file his response/ representation, within a period of two weeks from today and thereafter, the authorities will take consequential action, if necessary, on consideration of the petitioner's response/representation.

7 In view of the above said submission made by the learned Special Government Pleader, it is ordered accordingly.

8 The writ petition stands disposed of with the above observation. No costs. Connected Miscellaneous Petitions are closed.

Sd/-  
Assistant Registrar(CO)

True Copy

Sub Assistant Registrar

To

1. The Secretary to Government,  
Rural Development and Panchayat Raj  
Department, District Collector Office  
Krishnagiri-635 115
2. The Director,  
Directorate of Rural Development and  
Panchayat Raj Department, Panagal Maaligai  
Saidapet, Chennai-600 015
3. The District Collector  
Krishnagiri

4 Block Development Officer  
Village Panchayat, Soolagiri

5 The Chairman  
Osahalli Panchayat , Osahalli,  
Krishnagiri

+1cc to Mr.C.Jagadish, Advocate sr.62846

W.P. No.37061 of 2015

ca[co]  
srg 24/11/2015



WEB COPY