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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.09.2015

CORAM :

THE HONOURABLE MR.JUSTICE R.SUDHAKAR
and
THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Writ Petition (MD) No.17267 of 2015
and
MP(MD) Nos.1 and 2 of 2015

K.Abdul Kareem

... Petitioner

Vs.

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Tahsildar,
Rameswaram,
Ramanathapuram District.

3.The Block Development Officer,
Mandabam Panchayat Union,
Utchipuli,
Ramanathapuram District.

4.The Commissioner,
Mandabam Panchayat Union,
Utchipuli,
Ramanathapuram District.

5.The President,
Village Panchayat,
Pamban,
Ramanathapuram District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari calling for the records relating to the impugned order issued by the 4th respondent in his proceedings in Na.Ka.No.A2/1534/2015 dated 13.08.2015 and quash the same as illegal.

For Petitioner

: Mr.A.Velan for
M/s.Ajmal Associates

For Respondents 1&2

:Mr.A.K.Baskarapandian,
Special Government Pleader.



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For Respondents 3-5 : Mr.J.Gunaseelanmuthiah

ORDER

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

According to the petitioner, he is in no man's land. However, the authorities have proceeded on the basis that he has encroached the public pathway.

2.It is submitted by the learned counsel for the petitioner that though it is termed as notice, a specific direction is issued to the petitioner directing him to vacate the land.

3.Mr.Gunaseelanmuthiah, learned counsel appearing for the respondents 3 to 5 submits that series of notice has been served on the petitioner and the impugned notice is third one to remove encroachment and therefore, he can reply to the same with all particulars stating that he is in lawful occupation of the land and the authority will consider the same on its own merit.

4.In view of the above, the petitioner shall treat the same as notice and submit a reply to the notice within a period of 15 days from the date of receipt of a copy of this order. On receipt of such reply, the authority shall consider the same and pass appropriate orders. Till such time, the petitioner's occupation of the property shall not be disturbed.

5.With the above observation, the writ petition is disposed of. No costs. Consequently, M.P(MD)Nos.1 and 2 of 2015 are closed.

Sd/-

Assistant Registrar (C.O.)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Ramanathapuram District,
<https://hcservices.ecourts.gov.in/hcservices/>
Ramanathapuram.



2.The Tahsildar,
Rameswaram,
Ramanathapuram District.

3.The Block Development Officer,
Mandabam Panchayat Union,
Utchipuli,
Ramanathapuram District.

4.The Commissioner,
Mandabam Panchayat Union,
Utchipuli,
Ramanathapuram District.

5.The President,
Village Panchayat,
Pamban,
Ramanathapuram District.

+1cc to Mr.J.Gunaseelan Muthiah, Advocate Sr.No.56272
+1cc to The Special Government Pleader Sr.No.56699

akm/07.10.2015 /2p-8c/

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