



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 01.10.2015

CORAM :

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

Writ Petition (MD) No.17820 of 2015
and
MP(MD)No.1 of 2015

K.Saiyathammal ... Petitioner
Vs.

1.The District Collector,
Pudukottai District,
Pudukottai.

2.The Executive Officer,
Karambakudi Special Grade Panchayat,
Karambakudi, Pudukottai 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 pertaining to the impugned notice made in Na.Ka.No.Aa2/81/2013 dated 14.09.2015 issued by the 2nd respondent and quash the same.

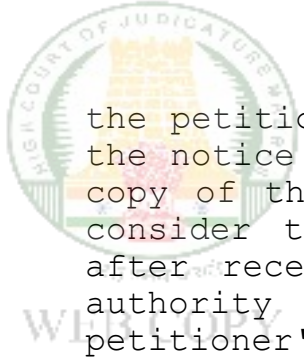
For Petitioner :Mr.D.Sadiq Raja
For Respondents : Mr.C.Selvaraj,
Special Government Pleader.

ORDER

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

The writ petition has been filed challenging the proceedings of the Executive Officer calling upon the petitioner to vacate the land occupied by her in Survey No.163, Karambakudi Taluk, Pudukottai District.

2.The primary reason for challenging the impugned proceedings is that there is gross violation of principles of natural justice stating that though it is termed as notice, a specific direction is issued to the petitioner directing him to vacate the land. Further, no opportunity was given to the petitioner to explain her stand that she is the owner of the property under a valid title. However, considering the fact that it is termed as notice, the petitioner is entitled to give a reply to the said notice. Since the impugned notice is stated to be a notice, the authority shall not proceed on the basis that it is an order. Hence,



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 on merits 30 days after receipt of reply. If no reply is filed as specified, the authority is directed to proceed forthwith. Till such time, the petitioner's occupation of the property shall not be disturbed.

3.The writ petition stands disposed of in the above terms. No costs. Consequently, M.P(MD)Nos.1 and 2 of 2015 are closed.

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

sms

To

1.The District Collector,
Pudukottai District,
Pudukottai.

2.The Executive Officer,
Karambakudi Special Grade Panchayat,
Karambakudi, Pudukottai District.

+1cc to Mr. D.Sadiq Raja, Advocate Sr NO.58268

+1cc to Special Government Pleader SR NO.58637

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rg.12.10.2015/SK/SKN/SAR-I 2P/5C.