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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.11.2015

CORAM :

THE HONOURABLE MR.JUSTICE V.RAMASUBRAMANIAN

and

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Writ Petition (MD) No.19964 of 2015

and MP(MD)Nos.1 & 2 of 2015

M.Patrick

... 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

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

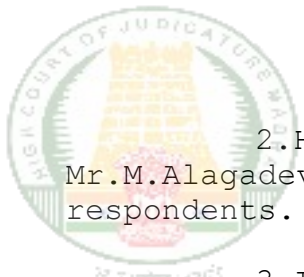
For Respondents

: Mr.M.Alagadevan,
Special Government Pleader.

ORDER

(Order of the Court was made by **V.RAMASUBRAMANIAN, J.**)

<https://hcservices.ecourts.gov.in/hcservices/>
the petitioner has come up with the above writ petition challenging a notice of eviction of encroachment.



2. Heard Mr.A.Velan, learned counsel appearing for the petitioner. Mr.M.Alagadevan, learned Special Government Pleader appearing for the respondents.

3. It appears that one Haja Sakbardeen filed a writ petition in W.P(MD)No.73 of 2015 seeking a mandamus to direct the District Collector, Ramanathapuram to consider his representation for the eviction of encroachments. The writ petition was ordered on 08.04.2015 directing the District Collector to consider the representation and pass orders within four weeks after granting a reasonable opportunity to any affected party.

4. Pursuant to the said order, six persons including the petitioner herein have been issued with the impugned notices of eviction dated 13.08.2015. Contending that there was no encroachment, the petitioner has come up with the above writ petition.

5. The main grievance of the petitioner is that though an opportunity of hearing was directed to be given to them by this Court in the writ petition in W.P(MD)No.73 of 2015, it was not given. Under identical circumstances, this Court has passed an order directing such notices to be treated not as final orders but only as notices.

6. Therefore, following the same, this writ petition is disposed of directing the respondents to treat the impugned notice dated 13.08.2015 as a show cause notice. The petitioner shall give a reply to the said notice within a period two weeks from the date of receipt of a copy of this order. On receipt of such reply, the fourth respondent shall conduct an enquiry, give an opportunity to the petitioner to appear and then pass final orders. Until then, no forcible eviction shall be carried out. No costs. Consequently, M.P(MD)Nos.1 and 2 of 2015 are closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

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.

<https://services.courts.gov.in/hcserve/Ces/> Government Pleader in SR.No. 64792.