



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:20.02.2015
CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

WEB COPY

W.P. (MD) Nos.2279 to 2283 2015
and
M.P. (MD) Nos.1,1,1,1,1,2,2,2,2 and 2 of 2015

W.P. (MD) No.2279 of 2015 & 2280 of 2015

P.Selvaraj ... Petitioner in WP(MD).No.2279/2015
Veerammal ... Petitioner in WP(MD).No.2280/2015

Vs.

1. The District Collector,
Karur District, karur.

2. The Tahsildar,
Taluk Office,
Aravakuruchi Taluk,
Karur District.

3. S.Sathish Kumar ... Respondents in both Writ Petitions

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the impugned order passed by the second respondent in Na.Ka.No.Aa2/6038/2014 dated 06.02.2015 and quash the same.

W.P. (MD) No.2281 of 2015 to 2283 of 2015

Karuppasamy ... Petitioner in WP(MD).No.2281/2015
Kanniammal ... Petitioner in WP(MD).No.2282/2015
Palanisamy ... Petitioner in WP(MD).No.2283/2015

Vs.

1. The District Collector,
Karur District, karur.
2. The Tahsildar, Taluk Office,
Aravakuruchi Taluk,
Karur District.

3. S.Sathish Kumar ... Respondents in all the Writ Petitions

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari Mandamus, to call for the records relating to the impugned order passed by the second respondent in Na.Ka.No.Aa2/6038/2014 dated 06.02.2015 and quash the same and consequently to direct the respondents to issue patta in favour of the petitioner's name for occupied house site in Survey No.821-F, Aravakuruchi Town Panchayat, Karur District as per G.O.Ms.No.854 Revenue Department dated 30.12.2006 and consequential G.O.Ms.No.142 Revenue Department dated 23.05.2013.



For Petitioner in all petitions
For Respondents in all petitions

: Mr.M.Saravanakumar
: Mr.Aayiram K.Selvakumar
Government Advocate

COMMON ORDER

The above Writ Petitions have been filed by the petitioners challenging the impugned order dated 06.02.2015 passed by the second respondent in Na.Ka.No.Aa2/6038/2014.

2. Heard the learned Counsel for the petitioners and the learned Government Advocate, who takes notice for the respondents. By consent, the Writ Petitions itself are taken up for final disposal.

3. The main grievance of the petitioners is that the impugned order itself emanated pursuant to the direction given by this Court in W.P.(MD) No.17456 of 2014. According to them, even this Court clearly directed that the Authority should have considered the representation of the petitioner, after giving notice to the third parties, who are the petitioners herein. In fact, even though the petitioners were arrayed as parties in that writ petition, that writ petition was ordered without issuing notice to them. However, directed the Authorities to give notice to the third parties. Pursuant to the same, without giving any notice to the petitioners, the present impugned order has been passed by the second respondent.

4. On a reading of the order passed in W.P.(MD)No. 17456 of 2014, it would reveal that the impugned order is bad in law. As per earlier of this Court, it is very clear that the petitioners should be given an opportunity. Opportunity means, before passing final order, notice should be sent to the petitioners. In the impugned order, it is stated that the encroachments should be evicted within a period of fifteen days. Therefore, the order presupposes the ultimate order. Hence, the order is not correct. But, what is required is only notice. Therefore, it is suffice to state that the present order will be treated as show cause notice and the petitioners are granted 15 days time to submit their explanation. The Authority concerned will then call for enquiry by giving opportunities to the petitioners and thereafter pass appropriate orders in accordance with law.

5. In the result, all the Writ Petitions are disposed of with the above observations. Consequently, the connected Miscellaneous Petitions are closed. No costs.

Sd/-

Assistant Registrar(Per.Admn)

\\True copy\\

Sub Assistant Registrar

To

1. The District Collector, Karur District, karur.
2. The Tahsildar, Taluk Office, Aravakuruchi Taluk, Karur District.

+2cc to MR.M.SARAVANAKUMAR, ADVOCATE SR.NO.8514

+1CC TO THE SPL.GOV'T PLEADER SR.NO.8091

W.P. (MD) Nos.2279 to 2283 2015 and
M.P. (MD) Nos.1,1,1,1,1,2,2,2,2 and 2 of 2015
20.02.2015