



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2015

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

W.P. (MD) No.3277 of 2015

and

M.P.No.1 of 2015

Kottaiammal

:Petitioner

Vs.

1.The District Collector,
Ramanathapuram.

2.The Tahsildar,
Ramanathapuram.

3.The Block Development Officer [Rural Development],
Ramanathapuram.

:Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Certiorarified Mandamus to call for the records of the third respondent's notice in Na.Ka.No.A4/4002/2014, dated 19.02.2015 and quash the same as illegal and also restrain the respondents from taking any action without following due process of law regarding the petitioner's house property in S.F.No.45/9A15A1B in Sakarakottai Village, Sakarakottai Group, Ramanathapuram.

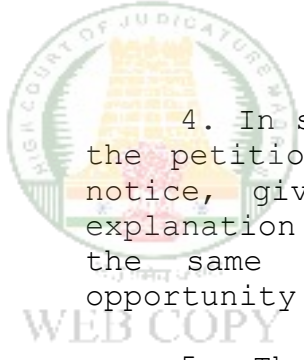
For Petitioner	: Mr.S.Muthukrishnan
For Respondent Nos.1&2	: Mr.Aayiram K.Selvakumar Government Advocate
For Respondent No.3	: Mr.M.Alagudevan Special Government Pleader

O R D E R

Mr.Aayiram K.Selvakumar, learned Government Advocate, takes notice for the respondents 1 and 2. Mr.M.Alagudevan, learned Special Government Pleader, takes notice for the third respondent. By consent, the Writ Petition is taken up for disposal at the stage of admission itself.

2. The only grievance of the petitioner is that by the impugned notice, he has been straightaway asked to remove the alleged encroachments, even without giving an opportunity to submit her explanation/objections.

3. The learned Government Advocate appearing for the respondents, on instructions, would fairly submit that as on date, no notice has been issued to the petitioner, before the impugned notice has been issued and therefore, the impugned notice can be treated as show cause notice and the petitioner may be directed to give explanation for the same and thereafter, the authority concerned will consider the same and pass appropriate orders on merits and in accordance with law.



4. In such view of the matter, the impugned notice, dated 19.02.2015, the petitioner is directed to treat the impugned notice as show cause notice, give explanation for the same and thereafter, on receipt of explanation from the petitioner, the authority concerned will consider the same and pass appropriate orders, after affording sufficient opportunity to the petitioner.

5. The Writ Petition is allowed as indicated above. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(T&P)

/True copy/

Sub Assistant Registrar

To

1.The District Collector,
Ramanathapuram.

2.The Tahsildar,
Ramanathapuram.

3.The Block Development Officer [Rural Development],
Ramanathapuram.

+1CC to M/s.S.Muthukrishnan, Advocate in SR.11156

+1CC to the Special Government Pleader in SR.11806

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DATED - 10.03.2015

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