

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G. RAMESH  
and  
THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Writ Petition No. 33539 of 2016  
and W.M.P.No. 28952 of 2016

P.K.Ravi

...Petitioner

Vs.

The Executive Officer  
Sankarapuram Town Panchayat  
Sankarapuram Post & Taluk  
Villupuram District.

...Respondent

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records from the respondent pertaining to the impugned order in Na.Ka.No.A1/21/2014, dated 12.09.2016 and quash the same and consequently, to forbear the respondent from interfering with the petitioner's peaceful possession and enjoyment of the property in old S.No.53/2 in R.S.No.53/2A2 near Bus Stand, Sankarapuram, Villupuram District, spread over 0.7 cents.

For Petitioner : Mr.G.Saravana Kumar

For Respondent : Mr.R.Rajendra Narasimhan

\* \* \*

सत्यमेव जयते

O R D E R

(Order of the Court was made by HULUVADI G. RAMESH, J.)

The petitioner is before this court seeking to quash the impugned order passed by the respondent in Na.Ka.No.A1/21/2014, dated 12.09.2016, and consequently, to forbear the respondent from interfering with the petitioner's peaceful possession and enjoyment of the property in old S.No.53/2 in R.S.No.53/2A2 near Bus Stand, Sankarapuram, Villupuram District, spread over 0.7 cents.

2. The grievance of the petitioner is that before issuing the impugned notice, dated 12.09.2016, asking him to remove the encroachments within 7 days of the notice, no show cause notice was issued to him.

3. Heard, Mr.G.Saravana Kumar, learned counsel for the petitioner and Mr.R.Rajendra Narasimhan, the learned counsel, who accepts notice for the respondent.

4. We have considered the submissions made on either side.

5. Taking into consideration that no opportunity was given to the petitioner to submit his explanation, it is suffice to state that the petitioner shall treat the impugned notice, dated 12.09.2016, as a show cause notice and submit his objections to the said notice within two weeks from the date of receipt of a copy of this order. The respondent shall consider and dispose of the objections filed by the petitioner within one week thereafter, after giving sufficient opportunity to the petitioner. After the disposal of the matter by the respondent, it is for him to take appropriate action. It is needless to state that in the event of the petitioner not complying with the directions stipulated herein, it is for the respondent to proceed in accordance with law by following due process of law, against illegal encroachments, if any.

6. The Writ Petition is disposed of, with the above direction. Consequently, connected Miscellaneous Petition is closed. There shall be no order as to costs.

-s/d-  
Assistant Registrar

True Copy

सतरामनेन न्याते  
Sub-Assistant Registrar

paa

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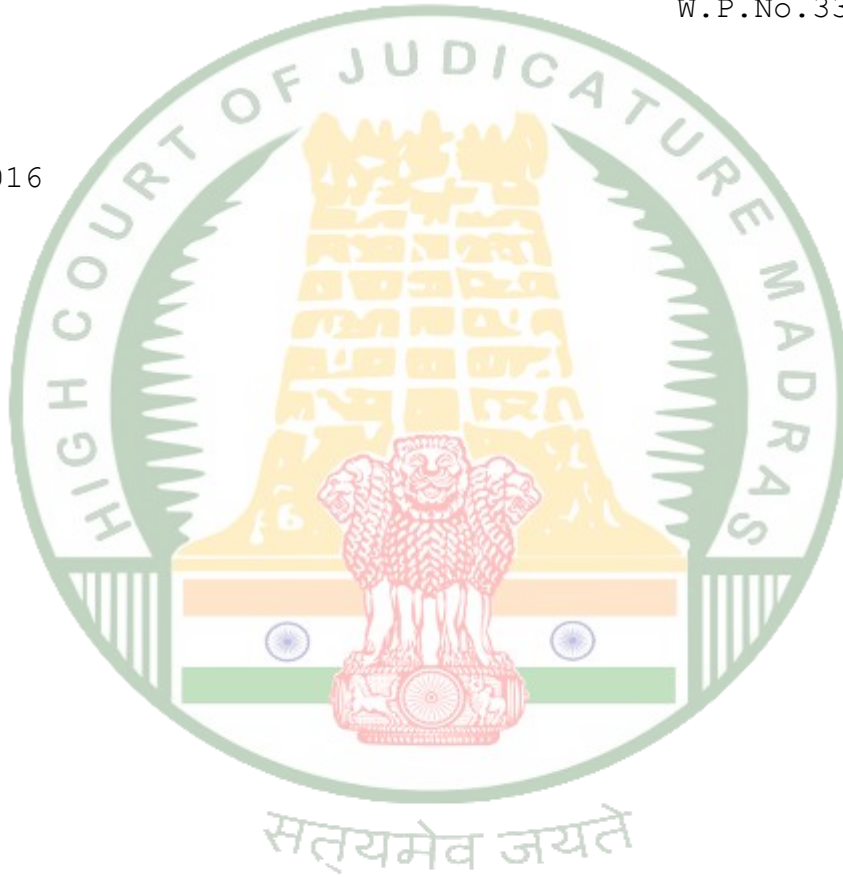
To

The Executive Officer  
Sankarapuram Town Panchayat  
Sankarapuram Post & Taluk  
Villupuram District.

+1 cc to Mr.P.Vijendran Advocate sr 54419  
+1 cc to M/s.Government Pleader sr 54600

W.P.No.33539 of 2016

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