



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:21.06.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE B.GOKULDAS

W.P. (MD).Nos.10777 to 10780 of 2016 &

WMP (MD).Nos.8365 to 8368 of 2016

S.A.Karnan	..	Petitioner in W.P.(MD).No.10777/2016
M.Noorudeen	..	Petitioner in W.P.(MD).No.10778/2016
H.Thajudeen	..	Petitioner in W.P.(MD).No.10779/2016
P.Shamugam	..	Petitioner in W.P.(MD).No.10780/2016

vs.

District Collector,
Ramanathapuram District,
Ramanathapuram.

.. 1st Respondent in all the petitions

The Block Development Officer
Mandapam Panchyat Union,
Uchipuli, Ramanathapuram District.

.. 2nd Respondent in WP(MD)No.10777/2016

The Block Development Officer/Commissioner
Mandapam Panchyat Union,
Uchipuli, Ramanathapuram District.

...2nd respondent in WP(MD)Nos.10778 to 10780/2016

The President,
Pamban Village Panchayat,
Pamban Village,
Ramanathapuram District.

.. 3rd Respondent in all the petitions

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 notice issued to the petitioner by the 2nd respondent vide in his proceedings in ந.க.அ2/4242/2015, dated 21.04.2016 and quash the same as illegal.

For Petitioner in all petitions : Mr.D.Sasikumar

For Respondents in all petitions : Mr.A.K.Baskarapandian for R1
Additional Government Pleader
Mr.K.Mahesh Raja for R2
Mr.A.Kannan for R3
both the petitions

**Order**

(Order of the Court was made by **K.K.SASIDHARAN, J**)

The notices, issued by the second respondent directing the petitioners in the concerned writ petitions to remove the encroachment, is challenged on the ground of non adherence to the principles of natural justice.

2. When these writ petitions came up for admission, We directed the learned standing counsel for the second respondent to take instructions as to whether the impugned notices could be treated as show cause notices, so as to enable the petitioners in the concerned writ petitions to file objections and thereafter to pass orders on merits.

3. The matter was adjourned for taking instructions.

4. When the writ petitions were taken up for hearing today, learned standing counsel for the second respondent on instructions submitted that the second respondent would treat these impugned notices as show cause notices and pass fresh orders after giving opportunity to the petitioners to submit objections.

5. The impugned notices dated 21.04.2016, issued by the second respondent is treated as show cause notices. The petitioners in the concerned writ petitions are given time till 20th July 2016 to submit their objections. The second respondent is directed to consider the objections and pass orders, on merits and as per law. The question of eviction would depend upon the ultimate orders to be passed by the second respondent.

6. The writ petitions are disposed of with the above direction. No costs. Connected miscellaneous petitions are closed.

Sd/
Assistant Registrar(T&P)

/TRUE COPY/

Sub Assistant Registrar

To

1. District Collector,
Ramanathapuram District,
Ramanathapuram.
2. The Block Development Officer,
Mandapam Panchyat Union,
Uchipuli, Ramanathapuram District.

+5cc to M/S.D.Sasikumar, Advocate in SR.No.32260
+1cc to Special Government Pleader in SR.No.32056

W.P. (MD).Nos.10777 to 10780 of 2016 &
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21.06.2016