



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.07.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE B.GOKULDAS

W.P (MD)No.13210 of 2016

and

W.M.P. (MD) .Nos.9952 and 9953 of 2016

M.N.Iqbal

..Petitioner

Vs.

The Athirampattinam Special Grade Panchayat,
Rep by its Executive Officer,
Office of the Executive Officer,
Athirampattinam, Tanjore District.

..Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records relating to the proceedings of the impugned order in Na.Ka.No.278/2014/A2, dated 19.07.2016, on the file of the respondent and quash the same as illegal.

For petitioner : Mr.J.Pandidorai
For respondent : Mr.M.Rajarajan
Standing Counsel

O R D E R

[Order of the Court was made by K.K.SASIDHARAN, J.]

By consent, the Writ Petition is taken up for final disposal, during the time of admission.

2. Heard the learned counsel for the petitioner and the learned Standing Counsel appearing on behalf of the respondent.

3. The petitioner is aggrieved by the order dated 19.07.2016, whereby and whereunder, the respondent directed him to remove the encroachment, failing which it was indicated that further action would be taken in accordance with law.

4. It is the grievance of the petitioner that no notice was issued before passing such a drastic order involving civil consequences.



5. The impugned order does not contain any indication that notice was issued to the petitioner before passing the order of eviction.

6. The impugned notice, dated 19.07.2016, is directed to be treated as a show cause notice. The petitioner is given time till 16.08.2016 to submit his explanation to the impugned notice dated 19.07.2016. The respondent is directed to consider the said explanation and pass appropriate orders on merits and as per law. Status-quo as-on-today shall be maintained till the disposal of the matter by the respondent.

7. The Writ Petition is disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(AE)

/True copy/

Sub Assistant Registrar(CS)

To:

The Executive Officer,
Office of the Executive Officer,
The Athirampattinam Special Grade Panchayat,
Athirampattinam, Tanjore District.

+1cc to Mr.J.PANDIDORAI, Advocate in SR.40368

W.P(MD)No.13210 of 2016
27.07.2016

nb

PBK/SK-SKN 03.08.2016 ::2P-3C: