



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

AND

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.[MD].No.23262 of 2016

and

W.M.P. (MD) .No.16699 of 2016

The Lakshmi Mills Company Limited,
Kovilpatti Branch,
Rep by its General Manager,
Mr.T.Kamaraj, Post Box No.1,
Lakshmipuram Post, Kovilpatti,
Tuticorin District 628 502.

: Petitioner

Vs.

1.The District Collector,
Tuticorin District, Tuticorin.

2.The Tahsildar,
Kovilpatti Taluk, Kovilpatti,
Tuticorin District.

3.The Block Development Officer,
[Village Panchayat], Kovilpatti,
Tuticorin District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records pertaining to the impugned notice issued by the third respondent in Thi3/4474/2016, dated 24.11.2016, quash the same as illegal.

For Petitioner : Mr.R.J.Karthick

For Respondent Nos.1&2 : Mr.M.Govindan

Special Government Pleader

For Respondent No.3 : Mr.S.Chandrasekar

Government Advocate

O R D E R

[Order of the Court was made by M.V.MURALIDARAN, J.]

Challenging the impugned notice dated 24.11.2016, the petitioner has come up with this Writ Petition, on the ground that without giving notice, straightaway the impugned notice has been issued. In the said notice, it has been indicated that if the petitioner fails to remove the encroachment made by him, on or before 30.11.2016, necessary action will be taken to remove the

encroachment by the authority concerned, on 01.12.2016.

2. Having regard to the fact that the petitioner was not given any opportunity whatsoever before the impugned notice was issued, we only direct the petitioner to submit his explanation/objections to the said notice, treating the same as show cause notice, within a period of 15 days from today, along with a copy of this order. On receipt of such explanation/objections, along with a copy of the order of this Court, the third respondent shall consider the same and pass orders, on merits and in accordance with law, within a period of eight weeks thereafter. Till such time final orders are passed, the possession of the petitioner shall not be disturbed. It is made clear that if the petitioner fails to make his explanation/submissions, along with a copy of this order, within the time stipulated above, the respondent is at liberty to proceed with the impugned notice, in accordance with law.

4. The Writ Petition is disposed of, with the above observation and direction. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Tuticorin District, Tuticorin.

2.The Tahsildar,
Kovilpatti Taluk, Kovilpatti,
Tuticorin District.

3.The Block Development Officer,
[Village Panchayat], Kovilpatti,
Tuticorin District.

+1 cc to M/S Special Government Pleader, Sr No.78130
+1 cc to Mr.R.J.Karthick,Advocate, Sr.No:78227

ORDER MADE IN
W.P. [MD].No.23262 of 2016
30.11.2016

nb
rum/19.12.2016/2p/6c