

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****Dated : 01.09.2017****CORAM :**

**THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**W.P (MD) No.20637 of 2015
and
M.P. (MD) No.2 of 2015**

1.C.Rengasamy
2.Krishnasamy
3.Sri Renugakengammal Temple,
represented by its
Trustee Chinnasamy

... Petitioners

Vs.

1. The District Collector,
Dindigul District.
2. The Revenue Divisional Officer,
Palani, Dindigul District.
3. The Commissioner of Village Panchayat,
Village Panchayat Union,
Kuziliamparai, Vedasanthur,
Dindigul District.
4. The Tahsildar,
Vedasandur Taluk Office,
Dindigul District.
5. The Block Development Officer,
Kuziliamparai,
Vedasandur, Dindigul District.
6. The President of Panchayat,
R.Velludu Village,
Dindigul District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the 5th respondent in Na.Ka.No.1408/2014/B3 dated 13.11.2015 and quash the same.



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For Petitioner : Mr.K.K.Ramakrishnan
For Respondents : Mr.M.Govindan,
Special Government Pleader
for RR1, 2 and 4
Mr.K.P.Krishnadoss, for R3,5 and 6

O R D E R

(Order of the Court was made by G.R.SWAMINATHAN, J.)

This writ petition is directed against the order bearing Na.Ka.No.1408/2014/B3 dated 13.11.2015 issued by the Block Development Officer, Kuziliamparai, calling upon the writ petitioner to remove the encroachment in question. Before calling upon the encroacher to remove the encroachment, show cause notice must be given.

2.The memorandum dated 23.10.2015 said to have been issued by the Panchayat President cannot be considered as a show cause notice. It is a final order issued in violation of the principles of natural justice. Therefore, the order impugned in this writ petition stands quashed. The matter is remitted to the file of the fifth respondent to proceed afresh in accordance with law.

3.The writ petition is allowed as indicated above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Records)

/True copy/

Sub Assistant Registrar

To

1. The District Collector,
Dindigul District.
2. The Revenue Divisional Officer,
Palani, Dindigul District.
3. The Commissioner of Village Panchayat,
Village Panchayat Union,
Kuziliamparai, Vedasanthur,
Dindigul District.
4. The Tahsildar,
Vedasanthur Taluk Office,
Dindigul District.



5. The Block Development Officer,
Kuziliamparai,
Vedasandur, Dindigul District.

6. The President of Panchayat,
R.Velludu Village,
Dindigul District.

+1 cc to Mr.K.K.Ramakrishnan , Advocate in SR.No. 76271

+1 cc to The Special Government Pleader in SR.No.76240

Skm/Arul

AE/MR KKR/SAR2/25.09.2017/3P/9C

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and
M.P. (MD) No.2 of 2015
01.09.2017