



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 06.09.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.20904 of 2015
and
M.P. (MD) Nos.1&2 of 2015

S.Mathivannan

... Petitioner

Vs.

1. The District Collector,
Madurai District,
Madurai.

2. The Tahsildar,
Melur Taluk Office,
Melur, Madurai District.

3. The Block Development Officer, (Village Panchayat),
Kottampatti Panchayat Union,
Kottampatti, Melur Taluk,
Madurai District.

4. The President,
Vanji Nagaram Village Panchayat,
Kottampatti Panchayat Union,
Melur Taluk, Madurai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order in Na.Ka.No.2860/2012/Thil dated 17.11.2015 passed by the 3rd respondent and its further proceedings and quash the same as illegal and consequently to direct the respondents not to initiate any coercive action against the petitioner without following the due process of law for evicting the petitioner from the land in survey no.11/2, situates in Keela Nattar Mangalam Village, Vanchinagaram Panchayat, Kottampatti Panchayat Union, Melur Taluk, Madurai District.

For Petitioner

: Mr.S.Jeyakarthik

For Respondents 1 to 3

: Mr.M.Govindan

<https://hcservices.ecourts.gov.in/hcservices/>

Special Government Pleader

For 4th Respondent

: No appearance

O R D E R

[Order of the Court was made by **G.R.SWAMINATHAN, J.**]

The writ petitioner challenges the communication dated 17.11.2015 issued by the third respondent to the second respondent, seeking assistance for clearing the encroachment in Survey No.11/2, in Keela Nattar Mangalam Village, Vanchinagaram Panchayat, Kottampatti Panchayat Union, Melur Taluk, Madurai District.

2.The writ petitioner is directly affected by the said communication but he was not put on notice. Therefore the writ petition is allowed, impugned communication is quashed.

3.The matter is remitted to the file of the third respondent to pass fresh orders in accordance with law.

4.This writ petition is allowed as indicated above. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Madurai Distirct,Madurai.
2. The Tahsildar,
Melur Taluk Office,
Melur,Madurai District.
3. The Block Development Officer, (Village Panchayat),
Kottampatti Panchayat Union,
Kottampatti, Melur Taluk,
Madurai District.

+ 1 cc TO Mr.M.S.Jeyakarthik , Advocate in SR No. 77274
+1cc to The Special Government Pleader in SR.No.77684

rmi

AE/KP/SAR2/26.10.2017/2P/6C