



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.12370 of 2017

and

W.M.P. (MD) No.9518 of 2017

Panchu @ Panchavarnam

.. Petitioner

Vs.

1.The District Collector,
Dindigul District, Dindigul.

2.The Executive Officer,
Batlagundu Town Panchayat,
Batlagundu, Dindigul District.

3.Appas Maideen

4.A.Asarap Ali

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned notice issued by the second respondent vide Na.Ka.No. 4/2016/A1 dated 14.06.2017 and quash the same and consequently forbearing the respondents from interfering with the petitioners possession and enjoyment of the premises in Survey No. 1346/3 situated in Batlagundu Town Panchayat Dindigul District.

For petitioner	: Mr.D.Shanmugaraja Sethupathi
For Respondents 1& 2	: Mr.TS.Md.Mohideen Additional Government Pleader
For Respondents 3	: Mr.M.Muthu Geethayan
For Respondent 4	: Mr.H.Md.Imran For M/S.Ajmal Associates

O R D E R

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

The petitioner herein questions the impugned notice, dated 14.06.2017, issued by the second respondent herein.

2.This notice has been passed straightaway, which was not preceded by any prior show cause notice.

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

3.On this ground, the impugned order is quashed and the matter is remitted to the second respondent to proceed afresh and



in accordance with law. The second respondent shall survey the land with reference to the existing revenue records, after giving due notice to the writ petitioner as well as the third and fourth respondents.

4. Since serious allegations have been made on either side with regard to the certain anterior proceedings, we make it clear that allowing the writ petition on the terms set out above, it would not mean that we considered the said allegations on merits.

5. The writ petition is disposed of with the above observation. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Dindigul District, Dindigul.

+1cc to Special Government Pleader, SR.No. 68397

+1cc to M/S.D.Shanmugaraja Sethupathi, Advocate SR.No. 67708

+1cc to M/S.M.Muthu Geethayan, Advocate SR.No. 67905

+1cc to M/S.Ajmal Associates, Advocate SR.No. 67714

ORDER MADE IN
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RJ2/VSG

JM/KK/SAR 1/08.08.2017/2P/6C