



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **11.07.2017**

CORAM:

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

W.P. (MD)No.12779 of 2017
and
W.M.P. (MD)Nos.9880 to 9882 of 2017

K.Serman .. Petitioner

Vs.

1. The District Collector,
Tuticorin District,
Tuticorin.

2. The Tahsildar,
Ottapidaram Taluk,
Tuticorin District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the order passed by the second respondent in his proceedings in Na.Ka.Aa.No.2/2586/2017, dated 24.04.2017 in Vellaram Village and quash the same and direct the respondents to consider the representation submitted by the petitioner dated 04.03.2017 to issue the patta in favour of the petitioner in respect of land in S.No.168 Vellaram Village, Ottapidaram Taluk, Tuticorin District respectively within a time frame to be fixed by this Court.

For Petitioner	: Mr.F.Deepak
For Respondents	: Mr.T.S.Mohammed Mohideen Additional Government Pleader

O R D E R

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

By consent of both parties, the Writ Petition is taken up for final disposal at the stage of admission itself.

2. The Writ Petitioner has questioned the notice bearing Na.Ka.Aa.No.2/2586/2017, dated 24.04.2017, passed by the second respondent herein.



3. The learned Counsel for the petitioner would submit that the impugned order has been passed in violation of the principles of natural justice.

4. On a reading of the impugned order, it is seen that before passing the order, directing the petitioner to remove the alleged encroachment, no notice has been issued. On that sole ground, it is liable to be set aside. It is accordingly set aside. The Writ Petition is allowed and the matter is remitted to the file of the second respondent. It is open to the second respondent to pass fresh orders in accordance with law. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar

To:

1. The District Collector,
Tuticorin District,
Tuticorin.

2. The Tahsildar,
Ottapidaram Taluk,
Tuticorin District.

+1 CC to M/s.F.DEEPAK, Advocate, SR No. 64811

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No. 64933

SSL/DSK

PSM/MR-KKR/SAR1/26.07.2017/2P/5C

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