



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.12845 of 2017

and

W.M.P. (MD)Nos.9941 and 9942 of 2017

V.Gopikrishnan

.. Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Junior Engineer,
Public Work Department,
Water Resources Organisation,
Parappalar Dam Division,
Oddanchatiram,
Dindigul District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the records relating to the impugned order passed by the 2nd respondent in his proceedings letter No.Ko/E.Po(Pa)/2017 dated 01.07.2017 for removal of encroachment and quash the same as illegal and in violation of provisions of Tamilnadu Protection of Tanks and Eviction of Encroachment Act and Rules 2007.

For petitioner

: Mr.D.Kirubakaran

For Respondents

: Mr.M.Govindan

Special Government Pleader

O R D E R

[Order of the Court was made by **K.K.SASIDHARAN, J.**]

The order passed by the second respondent directing eviction is under challenge primarily on the ground that notice was not issued before passing such a drastic order involving civil consequences.

2.The order passed by the second respondent dated 01.07.2017 does not contain any indication that prior notice was issued to the petitioner before directing removal of alleged encroachment.



3.The learned Special Government Pleader on instructions submitted that the second respondent is withdrawing the impugned order with liberty to issue notice to the petitioner and to pass a fresh order. The second respondent is also present in Court today.

4.In view of the withdrawal of the impugned order dated 01.07.2017, nothing survives for adjudication in this writ petition.

5.The second respondent is at liberty to issue notice to the petitioner and pass appropriate orders on merits and as per law. We make it clear that the principle of natural justice shall be adhered to by the second respondent, while passing orders in the subject matter.

6.The writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To:

1.The District Collector,
Dindigul District,
Dindigul.

2.The Junior Engineer,
Public Work Department,
Water Resources Organisation,
Parappalar Dam Division,
Oddanchatiram,
Dindigul District.

+1cc to M/S.B.SARAVANAN, Advocate SR.No.70362

+1cc to Special Government Pleader, SR.Nos. 70256&70614

mm / ns

MAS/RSK/SAR2:12.09.2017:2P-5C

ORDER MADE IN
W.P (MD) No.12845 of 2017

and
W.M.P. (MD) Nos.9941 and 9942 of 2017
02.08.2017