



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **12.07.2017**

CORAM:

THE HONOURABLE MR.JUSTICE **K.K.SASIDHARAN**

AND

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P.[MD].No.12881 of 2017

and

W.M.P. (MD) No.9972 of 2017

Vempuraj

: Petitioner

Vs.

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The Revenue Divisional Officer,
Tenkasi, Tirunelveli District.
- 3.The Block Development Officer,
Keelapavoor Panchayat Union,
Tenkasi Taluk, Tirunelveli District.
- 4.The Special Officer,
Kulasekarapatti Panchayat,
Tenkasi Taluk, Tirunelveli District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records relating to the impugned order of the fourth respondent dated 01.07.2017 in proceedings No.Nil.

For Petitioner : Mr.S.Sukumar

For Respondents 1,2 &4: Mr.T.S.Mohamed Mohideen,
Additional Government Pleader

For Respondent No.3 : Mr.Aayiram K.Selvakumar,
Government Advocate

O R D E R

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

By consent, the Writ Petition is taken up for final disposal during the time of admission.

2. We have heard the learned counsel for the petitioner. We have also heard the learned Additional Government Pleader, who takes notice on behalf of the respondents 1, 2 and 4 and the learned Government Advocate, who takes notice on behalf of the third respondent.



3. The writ petitioner has questioned the notice dated 01 July, 2017 issued by the fourth respondent, calling upon the writ petitioner to remove the encroachment in question.

4. Admittedly, even though it is styled as a notice, it is a final order and it is bad in law for violation of principles of natural justice, since no notice was issued to the petitioner before passing the order.

5. Accordingly, this Writ Petition is allowed quashing the order in question. The matter is remitted to the file of the fourth respondent to proceed in accordance with law. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-I)

/ True Copy /

Sub Assistant Registrar(C.S.)

To

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The Revenue Divisional Officer,
Tenkasi, Tirunelveli District.
- 3.The Block Development Officer,
Keelapavoor Panchayat Union,
Tenkasi Taluk, Tirunelveli District.
- 4.The Special Officer,
Kulasekarapatti Panchayat,
Tenkasi Taluk, Tirunelveli District.

+1cc to M/S.S.SELVAKUMAR, Advocate SR.No.64871

+1cc to Special Government Pleader, SR.No.65601

SML/MYR

MAS/KP/SAR1:20.07.2017:2P-7C

Order made in
W.P.[MD].No.12881 of 2017

Dated:
12.07.2017