



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.1322 of 2017

and

W.M.P(MD)No.1104 of 2017

N.Abdul Ajeez

.. Petitioner

Vs.

The Executive Officer,
Selection Grade Town Panchayat,
Adirampattinam,
Pattukkottai, Thanjavur District.

.. Respondent

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 in Na.Ka.No.248/2016 A2, dated 09.01.2017, passed by the respondent herein and quash the same.

For petitioner	: Mr.P.Vadivel
For Respondent	: Mr.D.Muruganantham
	Additional Government Pleader
	: Mr.V.Ramalingam
	Advocate Commissioner

O R D E R

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

The order directing eviction of the petitioner from the property bearing New Door No.35/1, Old No.9/1, New Street(Northern side), Athirampattinam, Pattukkottai Taluk, Thanjavur District, is under challenge, primarily on the ground that notice was not issued before passing such an order involving civil consequences.

2.The order passed by the respondent does not contain any indication that notice was issued to the petitioner and an opportunity of hearing was given to him. The respondent in a matter of this nature must follow the principles of natural justice. Since no such effort was taken by the respondent before passing the impugned order, we set aside the order dated 09.01.2017 and remand the matter for fresh consideration. It is open to the respondent to issue notice to the petitioner and pass appropriate



orders on merits. It is needless to point out that reasonable opportunity should be given to the petitioner to place materials in support of his contention that he is not an encroacher.

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

Sd/-
Assistant Registrar

/True copy/

Sub Assistant Registrar

To:
The Executive Officer,
Selection Grade Town Panchayat,
Adirampattinam,
Pattukkottai, Thanjavur District.

+1 CC to M/s.P.VADIVEL, Advocate, SR No. 64926.

RJ2/PSD/TSG
PSM/SKN-RSK/SAR1/21.07.2017/2P/3C

ORDER MADE IN
W.P(MD) No.1322 of 2017
and
W.M.P(MD) No.1104 of 2017
12.07.2017