



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 10.08.2017

CORAM :

WEB COPY

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

W.P (MD) No.13841 of 2017

and

WMP (MD) Nos.10809 and 10810 of 2017

Thangaraj Nadar

... Petitioner

Vs .

1. The District Collector,
Thirunelveli District.
2. The Tahsildar,
Sankarankovil Taluk,
Thirunelveli District.
3. The Commissioner,
Sankarankovil Panchayat Union,
Thirunelveli District.
4. The Block Development Officer,
Sankarankovil Panchayat Union,
Thirunelveli District.
5. The Special Officer,
Mangudi Village Panchayat,
Sankarankovil Panchayat Union,
Thirunelveli District.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned notice dated 13.07.2017 in Na.Ka.No.A2/3294/2017 and quash the same and consequently directing the third respondent not to demolish the petitioner's residential house which is situated in Survey No.416, Perumalpatti Village, Mangudi Panchayat, Sankarankovil Taluk, Tirunelveli District.

For Petitioner : Mr.J.Senthil Kumaraiah

For Respondents : Mr.T.S.Md. Mohideen, AGP
for RR1 and 2

**ORDER**

(Order of the Court was made by G.R.SWAMINATHAN, J.)

The writ petitioner challenges the impugned notice dated 13.07.2017 issued by the third respondent herein.

2.It is seen that the third respondent had issued the impugned order, calling upon the writ petitioner to remove the encroachments in question without complying with the principles of natural justice. On this ground alone, the impugned order is set aside. The matter is however remitted to the file of the third respondent with liberty to proceed afresh in accordance with law.

3.The writ petition is allowed as indicated above. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Thirunelveli District.
2. The Tahsildar,
Sankarankovil Taluk,
Thirunelveli District.
3. The Commissioner,
Sankarankovil Panchayat Union,
Thirunelveli District.

+ 1 CC TO Mr.J.SENTHIL KUMARIAH, ADVOCATE IN SR No. 72060
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 72602

SKM/ARUL

TE/SV-MMS/SAR-III : 04/09/2017 : 2P/6C

order made in
W.P(MD)No.13841 of 2017 and
WMP(MD) Nos.10809 and 10810 of 2017
10.08.2017