



WEB COPY

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 11.08.2017**

CORAM:

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

**W.P. (MD) Nos.15196 to 15222 of 2017
and
W.M.P. (MD) .Nos.12003 to 12058 of 2017**

K.KANNAMMAL	...	PETITIONER in WP(MD) No.15196 of 2017
R.VALARMATHI	...	PETITIONER in WP(MD) No.15197 of 2017
C.RANI	...	PETITIONER in WP(MD) No.15198 of 2017
S.PRABHA	...	PETITIONER in WP(MD) No.15199 of 2017
A.DHANALAKSHMI	...	PETITIONER in WP(MD) No.15200 of 2017
C.RENGAMMAL	...	PETITIONER in WP(MD) No.15201 of 2017
A.SUNDARA MOORTHY	...	PETITIONER in WP(MD) No.15202 of 2017
C.JEEVANANTHAM	...	PETITIONER in WP(MD) No.15203 of 2017
D.KALYANI	...	PETITIONER in WP(MD) No.15204 of 2017
C.PASUPATHI	...	PETITIONER in WP(MD) No.15205 of 2017
A.AROKIYA MARY	...	PETITIONER in WP(MD) No.15206 of 2017
M.RAMABAI	...	PETITIONER in WP(MD) No.15207 of 2017
M.INDIRA	...	PETITIONER in WP(MD) No.15208 of 2017
V.PARVATHI	...	PETITIONER in WP(MD) No.15209 of 2017
A.SATHAPPAN	...	PETITIONER in WP(MD) No.15210 of 2017
A.MUTHU SUBRAMANIYAN	...	PETITIONER in WP(MD) No.15211 of 2017
T.ANJALAI	...	PETITIONER in WP(MD) No.15212 of 2017
S.MEENAL	...	PETITIONER in WP(MD) No.15213 of 2017
G.AZHAGAMMAL	...	PETITIONER in WP(MD) No.15214 of 2017
P.DHANAPACKIAM	...	PETITIONER in WP(MD) No.15215 of 2017



M.VELU SERVAI

... PETITIONER in WP(MD) No.15216 of 2017

R.GANESAN

... PETITIONER in WP(MD) No.15217 of 2017

C.PAPPATHI

... PETITIONER in WP(MD) No.15218 of 2017

D.TAMIL SELVI

... PETITIONER in WP(MD) No.15219 of 2017

S.MANIMEGALAI

... PETITIONER in WP(MD) No.15220 of 2017

P.DEVI

... PETITIONER in WP(MD) No.15221 of 2017

M.POOSAIYAMMAL

... PETITIONER in WP(MD) No.15222 of 2017

-VS-

1 THE DISTRICT COLLECTOR,
PUDUKKOTTAI DISTRICT, PUDUKKOTTAI.

2 THE TAHSILDAR,
THIRUMAYAM TALUK, PUDUKKOTTAI DISTRICT.

3 THE ASSISTANT ENGINEER,
PWD & WRO IRRIGATION DIVISION, THIRUMAYAM,
PUDUKKOTTAI DISTRICT. ... RESPONDENTS 1 to 3 in all WPs

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India to issue Writ of Certiorari, after calling for the records relating to the impugned orders of the third respondent dated 21.07.2017 and quash the same.

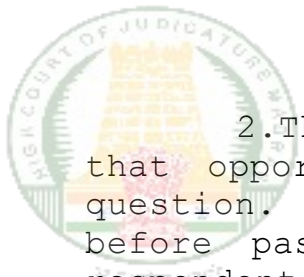
In all W.Ps:

For Petitioner	: Mr.P.Ganapathi Subramanian
For Respondents 1 to 3	: Mr.M.Govindan Special Government Pleader

C O M M O N O R D E R

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

The petitioner in the respective writ petitions, challenge the order dated 21st July, 2017, issued by the Assistant Engineer, Public Works Department & Water Resources Organisation, Irrigation Division, Thirumayam, Pudukottai District.



2.The notices are under challenge primarily on the ground that opportunity was not given, before surveying the land in question. In short, it is the contention of the petitioners that before passing orders involving civil consequences, the third respondent ought to have issued notice to them and an opportunity of hearing.

3.The writ petitions were taken up for admission on 10.08.2017. Since the impugned notice does not contain any indication that prior notice was issued to the concerned petitioners, we directed the learned Special Government Pleader to take instructions from the respondents. Accordingly, the matter was adjourned to be posted today.

4.When the writ petitions are taken up for hearing today, on instructions taken from the third respondent/Assistant Engineer, Public Works Department & Water Resources Organisation, Irrigation Division, Thirumayam, Pudukottai District, the learned Special Government Pleader, submitted that though some of the encroachers were present during the course of survey, the fact remains that notices were not given to them.

5.The third respondent through notice dated 21st July, 2017 directed the respective petitioners to remove the encroachment, failing which, it was indicated that they would be evicted summarily. Since the order would involve civil consequences, the third respondent ought to have given notice to the respective petitioners, before surveying the land in question.

6.We are, therefore, of the view that the impugned notices are liable to be quashed solely on the ground of violation of principles of natural justice.

7.In the result, the notices, dated 21st July, 2017, challenged in the respective writ petition are quashed. It is open to the second respondent to survey the land in question, after issuing notice to the petitioners. Similarly, it is open to the third respondent to take follow up action in accordance with law.

8.The Writ Petitions are allowed as indicated above. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

/True Copy/



To

1. The District Collector
Pudukottai District,
Pudukottai.

2. The Tahsildar,
Thirumayam Taluk,
Pudukottai District.

3. The Assistant Engineer,
Public Works Department & Water Resource
Organisation,
Irrigation Division,
Thirumayam,
Pudukottai District.

+1cc to The Spl.Government Pleader Sr.No.72560

+1cc to Mr.P.Ganapathi Subramanian, Advocate SR.No.72216

VS/TSG

VB/JC/SAR1/30.08.2017/4P/6C

Common Order made in
W.P. (MD) Nos.15196 to 15222 of 2017
and
W.M.P. (MD) .Nos.12003 to 12058 of 2017
Dated: 11.08.2017