



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.17644 of 2017

and

W.M.P. (MD) .Nos.14200 and 14201 of 2017

Kavitha

.. Petitioner

Vs.

1. The District Collector,
Madurai District,
Madurai.

2. The Tahsildar,
Thirupparankundram Taluk,
Madurai District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned notice dated 05.09.2017 of the first respondent, affixed in the petitioner's house door by the officials of the second respondent and quash the same and issue a consequential direction to the respondents to issue patta to the petitioner's house to the extent of 1050 Spft (2.4 Cents) in D.No.80A, G.S.T Road, Thirupparankundram, Madurai, which is situated in Government poramboke land in S.No.173, by considering the patta application of the petitioner dated 24.05.2010.

For petitioner

: Mr.R.Gowrishankar

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 petitioner filed this Writ Petition, challenging the impugned notice dated 05.09.2017, calling upon her to submit explanation as to why she should not be evicted from the property in Survey No.173, Thirupparankundram, Madurai.

2. The petitioner, after submitting explanation on 11.09.2017 and without waiting for a final order to be passed by the statutory authority, filed this writ petition.



3. There is no adverse order passed against the petitioner as-on-date. The second respondent issued notice dated 05.09.2017, indicating that the petitioner has encroached upon a portion of the property in Survey No.173 and as such, she should show cause as to why she should not be evicted from the said property. It is true that the petitioner submitted explanation to the said notice. However, without waiting for the final orders to be passed, she rushed to this Court with this Writ Petition. The petitioner cannot be heard to say that the explanation submitted by her would not be considered by the statutory authority.

4. We, therefore, do not find any reason to entertain this Writ Petition. We direct the second respondent to consider the objection submitted by the petitioner dated 11.09.2017 and pass final orders on merits and as per law. We make it clear that the petitioner should be given an opportunity of personal hearing, before passing the final order by the second respondent.

5. The Writ Petition is disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To:

1. The District Collector,
Madurai District,
Madurai.
2. The Tahsildar,
Thirupparankundram Taluk,
Madurai District.

+1cc to Mr.R.Gowrishankar, Advocate Sr.No.79557

+1cc to The Spl.Government Pleader Sr.No.79890

NB

VB/KK/SAR4/11/10/2017/2P/5C

**ORDER MADE IN
W.P. (MD) No.17644 of 2017
19.09.2017**