



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.09.2017

CORAM:

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

W.P. (MD) No.1150 of 2016

and

W.M.P. (MD) No.957 of 2016

R.Indrani

... Petitioner

Vs.

1. The District Collector,
Madurai District,
Madurai.

2. The Tahsildar,
Vadipatti,
Madurai District.

3. The Block Development Officer,
Union Office,
Vadipatti Madurai.

4. The President,
Melakkal Panchayat,
Vadipatti Taluk,
Madurai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the 4th respondent impugned notice dated 11.01.2016 and quash the same and thereby forebear the respondents from in any manner proceeding to demolish a portion of the property bearing Survey No.594A/1A situate at South Street, Melakkal, Vadipatti Taluk, Madurai without following the provisions of the Tamil Nadu Panchayats Act, 1994 and Tamil Nadu Land Encroachment Act or other applicable laws.

For Petitioner

: Mr.V.A.S.Samaya Vasu

For Respondents 1 & 2

: Mr.M.Govindan
Special Government Pleader

For Respondents 3 & 4

: Mr.T.S.Mohammed Mohideen
Additional Government Pleader



O R D E R

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

WEB COPY The writ petitioner challenges the order dated 11.01.2016 issued by the fourth respondent herein.

2.The impugned order calls upon the writ petitioner to remove the encroachment in question. But the writ petitioner was not put on notice before passing the impugned order. Therefore, the impugned order is liable to be quashed.

3.The matter is remitted to the file of the third respondent to pass fresh orders in accordance with law.

This writ petition is allowed as indicated above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Madurai District, Madurai.
2. The Tahsildar,
Vadipatti, Madurai District.
3. The Block Development Officer,
Union Office, Vadipatti Madurai.
4. The President,
Melakkal Panchayat,
Vadipatti Taluk, Madurai.

+1cc to Mr.K.Kevin Karan, Advocate in SR.No.77875

+1cc to The Special Government Pleader in SR.No.77922

rmi

AE/KK/SAR1/03.10.2017/2P/7C

ORDER MADE IN

W.P. (MD) No.1150 of 2016

07.09.2017