



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : **16.03.2017**

CORAM:

THE HONOURABLE MR.JUSTICE **A.SELVAM**

and

THE HONOURABLE MR.JUSTICE **N.AUTHINATHAN**

W.P(MD)Nos.4407, 4408, 4413 and 4422 of 2017
and

W.M.P(MD)Nos.3538, 3539, 3542 and 3552 of 2017

Madasamy	.. Petitioner in W.P(MD)No.4407 of 2017
Arumugham	.. Petitioner in W.P(MD)No.4408 of 2017
Kaveri Udayar	.. Petitioner in W.P(MD)No.4413 of 2017
Chockalingam	.. Petitioner in W.P(MD)No.4422 of 2017
Vs.	

1.The District Collector,
Tirunelveli District, Tirunelveli.

2.The Tahsildar,
Manur Taluk, Tirunelveli District.

.. Respondents
in all W.Ps.

COMMON PRAYER: Writ Petitions are filed under Article 226 of the Constitution of India praying for the issuance of Writs of Certiorari to call for the records pertaining to the notice issued by the second respondent in Na.Ka.A3/139/2017 dated 24.02.2017 and quash the same.

For Petitioner	: Mr.R.Anand
in all W.Ps.	for Mr.P.Samuel Gunasingh

For Respondents	: Mr.T.S.Mohammed Mohideen,
in all W.Ps.	Additional Government Pleader.

COMMON ORDER

[Common Order of the Court was made by **A.SELVAM, J.**]

These writ petitions have been filed under Article 226 of the Constitution of India praying to call for records relating to the notice dated 24.02.2017 passed in Na.Ka.A3/139/2017 by the second respondent and quash the same, by way of issuing a writ of certiorari.

<https://hcservices.ecourts.gov.in/hcservices/>

2.Mr.T.S.Mohammed Mohideen, learned Additional Government



Pleader, has taken notice for the respondents.

3.The learned counsel appearing for the petitioners has contended to the effect that in the order passed in W.P(MD)No.24619 of 2016, this Court has directed to evict encroachers under due process of law, but the second respondent without following due process of law, has erroneously issued the impugned notice and therefore the same is liable to be quashed.

4.As rightly pointed out on the side of the petitioners, this Court has perused the impugned notice, wherein it has been simply stated that within a period of one week, the petitioners should vacate.

5.Considering the fact that in W.P(MD)No.24619 of 2016, this Court has specifically directed the concerned authorities to take eviction proceedings under due process of law and since the impugned notice has not been issued under due process of law as per the direction of this Court, this Court is inclined to allow these writ petitions.

6.In fine, these writ petitions are allowed without costs and the impugned notice dated 24.02.2017 passed in Na.Ka.A3/139/2017 by the second respondent is quashed. However the second respondent is at liberty to issue a fresh notice under due process of law so as to evict the petitioners from the encroached places. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(P & A)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Tirunelveli District, Tirunelveli.

2.The Tahsildar,
Manur Taluk, Tirunelveli District.

+4cc to THE SPECIAL GOVERNMENT PLEADER in SR.
Nos.15516,15503,15504,15511.

+4cc to M/s.P.SAMUEL GUNASINGH Advocate in SR. No.15048 TO 15051
SMN

JS/KP/SAR.2/2P-11C/10.04.2017

COMMON ORDER MADE IN

**W.P(MD)Nos.4407, 4408, 4413 and 4422 of 2017
and**

**W.M.P(MD)Nos.3538, 3539, 3542 and 3552 of 2017
16.03.2017**