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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 20.07.2017
CORAM:

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

W.P(MD)No.4735 of 2017
and
W.M.P.[MD].No.3786 of 2017

Nambithai : Petitioner
Vs.

1. The District Collector,
Kanyakumari District,
Nagercoil.
2. The Tahsildar,
Agastheeswaram Taluk,
Kanyakumari District.
3. The Executive Officer,
Anjugramam Town Panchayat,
Kanyakumari District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records relating to the impugned notice in No.53/2016, dated 13.01.2017 passed by the third respondent and notice in Na.Ka.No.53/2016, dated 09.03.2017 and quash the same.

For petitioner : Mr.T.selvakumaran
For R1 & R2 : Mr.T.S.Mohamad Mohideen
Additional Government Pleader
For R3 : Mr.C.Prithiviraj
for Mr.C.Selvaraj

O R D E R

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

The petitioner filed this writ petition to issue a Writ of Certiorari to call for the records relating to the impugned notice in No.53/2016, dated 13.01.2017 passed by the third respondent and notice in Na.Ka.No.53/2016, dated 09.03.2017 and quash the same.



2.The writ petitioner has questioned the order dated 13.01.2017 and 09.03.2017, whereby the third respondent has peremptorily directed the writ petitioner to vacate the premises in question.

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3.No doubt, the writ petitioner has been given time to vacate the premises. But that would not meet the requirement of law. The third respondent must issue a proper show cause notice, hear the objection of the writ petitioner and thereafter only pass any order. Since that has not been done, we are inclined to quash both the impugned orders. The matter is remitted back to the file of the third respondent with liberty to proceed afresh in accordance with law.

4.The writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Kanyakumari District,
Nagercoil.
2. The Tahsildar,
Agastheeswaram Taluk,
Kanyakumari District.
3. The Executive Officer,
Anjugramam Town Panchayat,
Kanyakumari District.

+1cc to Mr.T.Selvakumaran, Advocate in SR.No.66777
+1cc to The Special Government Pleader in SR.No.67319

akv/tsg

AE/MR KKR/SAR3/31.07.2017/2P/6C

Order made in
W.P(MD)No.4735 of 2017
and

W.M.P.[MD].No.3786 of 2017
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