



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM

and

THE HONOURABLE MR.JUSTICE N.AUTHINATHAN

W.P (MD) No.5046 of 2017

and

W.M.P (MD) No.4063 of 2017

M.Sabeena Begum

.. Petitioner

Vs.

1.The District Collector,
Trichy District, Trichy.

2.The Assistant Director (Panchayat),
District Collector Office,
Trichy,
Trichy District.

3.The Commissioner,
(Village Panchayat),
Special Officer & Panchayat Union,
Manapparai,
Trichy District.

4.The Block Development Officer,
O/o.The Block Development Officer,
Panchayat Union,
Manapparai,
Trichy District.

5.The Secretary,
Panchayat Union,
Puthanatham,
Manapparai Taluk,
Tiruchy District.

6.The Tahsildar,
Manapparai,
Trichy District.

7.S.Abdul Pari

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records relating to the impugned order issued by the Respondent in his proceedings Na.Ka.A3/771/2017 dated 07.03.2017 and quash the same as illegal.



For Petitioner : Mr.C.Venkatesh Kumar
For RR 1, 2 & 6 : Mr.M.Govindan,
Special Government Pleader.
For RR 3 to 5 : Mr.R.Velmurugan,
Government Advocate.
For R - 7 : Mr.S.Vinayak

ORDER

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

This Writ Petition has been filed under Article 226 of the Constitution of India praying to call for records relating to the impugned notice dated 07.03.2017 passed in Na.Ka.No.A3/771/2017 by the fourth respondent and quash the same, by way of issuing a Writ of Certiorari.

2.It is seen from the records that in W.P(MD)No.1254 of 2017 a specific direction has been given to the respondents therein to remove encroachments which are in existence in Survey No.582/9 under due process of law. In pursuance of the said order, the present fourth respondent has issued the impugned notice.

3.The main contention putforth on the side of the petitioner is that the fourth respondent has simply directed the petitioner even without giving sufficient opportunity to remove encroachments in pursuance of the order passed in W.P(MD)No.1254 of 2017. Since the fourth respondent has not issued the impugned notice as contemplated under law, the present Writ Petition has been filed.

4.As rightly pointed out on the side of the petitioner, the fourth respondent has simply directed the petitioner to remove encroachments without following due process of law. Further in the order passed in W.P(MD)No.1254 of 2017, this Court has directed the respondents therein to remove encroachments which are in existence in Survey No.582/9 under due process of law, but the fourth respondent has not issued the impugned notice under due process of law. Under the said circumstances, this Court is inclined to pass the following order.

5.In fine, this Writ Petition is allowed without costs and the impugned notice issued by the fourth respondent in Na.Ka.No.A3/771/2017, dated 07.03.2017 is quashed. The fourth respondent is strictly directed to issue proper notice as contemplated under law and take appropriate action with the



assistance of proper revenue records. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

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Sub Assistant Registrar

To

1. The District Collector,
Trichy District, Trichy.
2. The Assistant Director (Panchayat),
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Trichy, Trichy District.
3. The Commissioner,
(Village Panchayat),
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O/o.The Block Development Officer,
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Manapparai, Trichy District.
5. The Secretary,
Panchayat Union,
Puthanatham,
Manapparai Taluk, Tiruchy District.
6. The Tahsildar,
Manapparai, Trichy District.

+1 cc to M/S.Ajmal Associates, Advocate, SR.No.50455
+1 cc to Mr.R.Velmurugan, Advocate, SR.No.50841
+1 cc to Mr.A.Joel Paul Antony, Advocate, SR.No.50248
+1 cc to Special Government Pleader, SR.No. 50688

ORDER MADE IN
W.P(MD)No.5046 of 2017
and
W.M.P(MD)No.4063 of 2017
05.04.2017

ps