



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **31.08.2017**

CORAM:

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.17011 of 2016

and

W.M.P (MD) Nos.12337, 12338 of 2016 & 1653 of 2017

Karuppasamy

... Petitioner

Vs.

1.The Block Development Officer,
Karungulam Panchayat Union,
Seithunagnallur,
Thoothukudi District.

2.The President,
Alantha Village Panchayat,
Karungulam Panchayat Union,
Thoothukudi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records relating to the impugned notice issued by the 1st respondent vide A4/2092/2016 dated 19.08.2016 and the impugned communication sent by the 1st respondent to the 2nd respondent in A4/2092/2016 dated 19.08.2016 and quash the both as illegal.

For Petitioner	: Mr.A.S.Vaigunth
For R-1	: Mr.M.Govindan, Special Government Pleader.
For R-2	: Mr.B.S.Meltiue

JUDGMENT

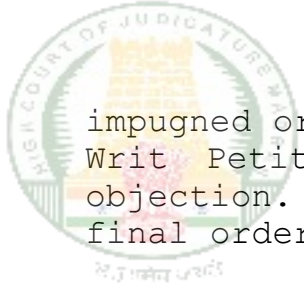
[Judgment of the Court was delivered by **G.R.SWAMINATHAN, J.**]

The Writ petitioner challenges the proceedings dated 19.08.2016 issued by the first respondent herein. It is seen that the subject matter pertains to pathway encroachment.

2.The first respondent has, however, passed an order straight away without complying with the principles of natural justice.

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

3. We, therefore, permit the Writ petitioner to treat the



impugned order as a show cause notice and not as a final order. The Writ Petitioner is given time, till 20.10.2017, to submit his objection. The first respondent shall consider the same and pass final orders on merits and in accordance with law.

4. The Writ petition is allowed, as indicated above. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CRL.SIDE)

/True Copy/

Sub Assistant Registrar

To:

The Block Development Officer,
Karungulam Panchayat Union,
Seithunagnallur,
Thoothukudi District.

+1cc to Mr.G.THALAI MUTHUARASU Advocate in SR. No. 76310

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No. 75998

KM/DSS

JS/KP/SAR.2/5.10.2017/2P-4C

W.P. (MD) No.17011 of 2016
31.08.2017