



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 08.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No. 6780 of 2017

and

W.M.P. (MD) .Nos. 5349 & 5350 of 2017

Palanithai

: Petitioner

Vs.

1.The District Collector,
Nagercoil,
Kanyakumari District.

2.The Tahsildar,
Agastheeswaram Taluk,
Nagercoil,
Kanyakumari District.

3.The Executive Officer,
Anjugramam Town Panchayat,
Anjugramam,
Kanyakumari District.

4.Balashankar

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records pertaining to the impugned order passed by the third respondent in his proceedings Na.Ka.No.53/2016, dated 07.04.2017 and quash the same on the ground that the same is arbitrary, illegal and un constitutional.

For Petitioner : Mr.P.M.VishnuVarthanan
For R.1 & R.2 : Mr.M.Govindan
Special Government Pleader
For Respondent No.3 : No Appearance
For Respondent No.4 : Mr.M.Sreenivasan

O R D E R

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

The writ petitioner challenges the order dated 07.04.2017 issued by the third respondent herein. The third respondent by the impugned order dated 07.04.2017 called upon the persons mentioned in the said communication including the writ petitioner to remove the encroachment in question. But the said order has been passed without issuing prior notice to the writ petitioner.



We are also informed that the said proceedings have been quashed at the instance of the other persons mentioned in the notice. Therefore, the impugned order dated 07.04.2017 issued by the third respondent has to be quashed in so far as the present writ petitioner is concerned.

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2. Accordingly the impugned order is set aside and the matter is remitted to the file of the third respondent with liberty to proceed afresh in accordance with law. The third respondent shall pass fresh orders after hearing the writ petitioner within a period of three months from the date of receipt of a copy of this order.

3. The Writ Petition is allowed as indicated above. No costs. Consequently, connected W.M.P.(MD).Nos.5349 & 5350 of 2017 is closed.

Sd/-

Assistant Registrar(AD-II)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Nagercoil,
Kanyakumari District.

2. The Tahsildar,
Agastheeswaram Taluk,
Nagercoil,
Kanyakumari District.

3. The Executive Officer,
Anjugramam Town Panchayat,
Anjugramam,
Kanyakumari District.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No.72010

+1cc to Mr.M.R.SREENIVASAN Advocate in SR. No.71747

+1cc to Mr.P.M.VISHNUVARTHANAN Advocate in SR. No.71422

TSG

JS/KP/SAR.4/28.08.2017/2P-7C

Order made in
W.P. (MD) No.6780 of 2017
dated: 08.08.2017