



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **18.07.2017**

CORAM:

THE HONOURABLE MR.JUSTICE **K.K.SASIDHARAN**
AND
THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. [MD] .No.7346 of 2017
and
W.M.P. (MD) No.5768 of 2017

J.Rajakumari : Petitioner

Vs.

1. The District Collector,
Tirunelveli District,
Tirunelveli.
2. The Assistant Engineer,
Public Works Department/Water Resource Organisation,
Irrigation Division,
Naguneri-627 108,
Tirunelveli District.
- 3.Sudalaikannu : 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 on the file of the second respondent in pursuant to the impugned order of eviction passed by him vide his proceedings No.Nil dated 28.03.2017 and quash the same as arbitrary, colourable exercise of power and against the principles of natural justice.

For Petitioner : Mr.Mohanasundaram

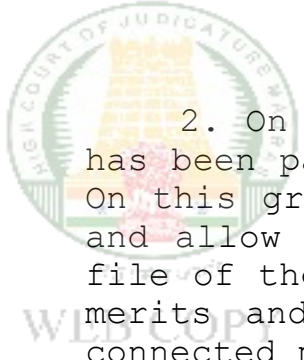
For Respondents 1 & 2 : Mr.T.S.Mohamed Mohideen,
Additional Government Pleader

For Respondent No.3 : No Appearance

O R D E R

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

The Writ Petitioner has questioned the impugned proceedings dated 28 March, 2017 issued by the second respondent herein.



2. On the very face of it, it is seen that the impugned order has been passed in violation of the principles of natural justice. On this ground, we quash the impugned order dated 28 March, 2017, and allow the Writ Petition. The matter is remitted back to the file of the second respondent with liberty to pass fresh orders on merits and in accordance with law. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Tirunelveli District,
Tirunelveli.
2. The Assistant Engineer,
Public Works Department/Water Resource Organisation,
Irrigation Division,
Naguneri-627 108,
Tirunelveli District.

+1 cc to Mr.Mohanasundaram , Advocate in SR.No. 66670
+1 cc to The Special Government Pleader in SR.No.66595

SML/MYR
AE/MR KKR/SAR1/27.07.2017/2P/5C

**Order made in
W.P. [MD].No.7346 of 2017
Dated:18.07.2017**