



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.04.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE A.SELVAM
and
THE HONOURABLE MR.JUSTICE N.AUTHINATHAN

W.P(MD)No.773 of 2017
and
W.M.P(MD)No.626 of 2017

C.Balu

.. Petitioner

Vs.

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.
2. The Assistant Engineer,
Public Works Department,
Water Resources Organisation,
Irrigation Section, Thondi,
Ramanathapuram District.
3. The Tahsildar,
Thiruvadanai Taluk,
Ramanathapuram District.

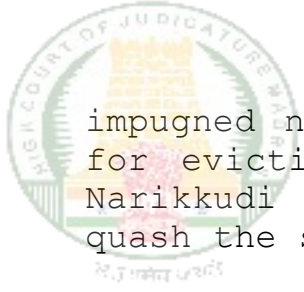
.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari calling for the records relating to the impugned notice dated 22.11.2016 issued by the second respondent for evicting the petitioner from his property situated at 10/2, Narikkudi Village, Thondi Post, Thiruvadanai Taluk, Ramanathapuram District and demolishing the same and quash the same.

For Petitioner : Mrs.N.Krishnaveni,
Senior Counsel for Mr.P.Thiagarajan
For Respondents : Mr.M.Govindan,
Special Government Pleader.

ORDER

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



impugned notice dated 22.11.2016 issued by the second respondent for evicting the petitioner from the property in Door No.10/2, Narikkudi Village, Thiruvadanai Taluk, Ramanthapuram District and quash the same, by way of issuing a writ of certiorari.

2.The learned senior counsel appearing for the petitioner has contended to the effect that the petitioner and others are living in the place mentioned in the impugned notice for a long time and some of them have been granted patta and under the said circumstances even without following due process of law, the second respondent has issued the impugned notice and therefore the present writ petition has been filed.

3.The learned Special Government Pleader appearing for the respondents has contended that Survey No.108 forms part of a channel and under the said circumstances the impugned notice has been issued.

4.The learned senior counsel appearing for the petitioner has also contended to the effect that for getting alternative place, the petitioner is ready to give a representation.

5.Considering the aforesaid factual circumstances, this Court is inclined to pass the following order.

6.In fine, the petitioner is directed to give a representation within a period of seven days to the first respondent. The first respondent is directed to dispose of the same within a period of fifteen days. With the above observation, this writ petition is disposed of. After disposal of the representation to be given by the petitioner, the second respondent is directed to continue the eviction proceedings. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.

2. The Assistant Engineer,
Public Works Department,
Water Resources Organisation,
Irrigation Section, Thondi,
Ramanathapuram District.



3. The Tahsildar,
Thiruvdanai Taluk,
Ramanathapuram District.

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+ 1 CC TO Mr.P.THIAGARAJAN, ADVOCATE IN SR No. 51931

SMN

TE/JC/SAR-IV : 20/04/2017 : 3P/5C

ORDER MADE IN
W.P(MD)No.773 of 2017 and
W.M.P(MD)No.626 of 2017
13.04.2017