



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.05.2017

CORAM:

THE HON'BLE Mr.JUSTICE M.V.MURALIDARAN
and
THE HON'BLE Mr.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.9628 of 2017
and W.M.P(MD)No.7358 of 2017

M.Ganeshan

... Petitioner

Vs.

1.The District Collector,
Tirunelveli, Tirunelveli District.

2.The Block Development Officer (Village Panchayath),
Sankarankovil Panchayath Union,
Sankarankovil,
Tirunelveli District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records in Na.Ka.No.A.1/278/2014 dated 03.05.2017, passed by the respondent No.2 and quash the same and further direct the respondent No.2 not to disturb the peaceful possession of the petitioner patta land in patta No.368 in veeriruppu village, Tirunelveli District.

For Petitioner : Mr.K.Prabhu

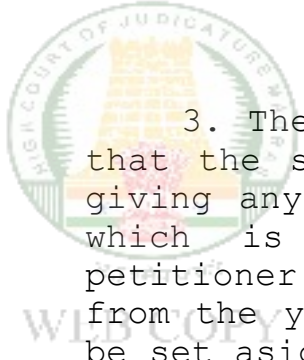
For Respondents : Mr.V.R.Shanmuganathan,
Special Government Pleader.

O R D E R

(Order of the court was made by M.V.MURALIDARAN,J.)

The petitioner seeks for a Writ of Certiorarified Mandamus, to call for the records in Na.Ka.No.A.1/278/2014 dated 03.05.2017, passed by the respondent No.2 and quash the same and further direct the respondent No.2 not to disturb the peaceful possession of the petitioner patta land in patta No.368 in veeriruppu village, Tirunelveli District.

2.The learned Additional Government Pleader takes notice for the respondents. By consent, the writ petition itself is taken up for final disposal at the admission stage.



3. The petitioner averred in the affidavit among other things that the second respondent has passed the impugned order without giving any opportunity to the petitioner explaining the situation which is violation of principles of natural justice. The petitioner has been in possession and enjoyment of the property from the year 1992 and therefore, the impugned order is liable to be set aside.

4. Considering the fact that the second respondent has passed the impugned order without issuing notice to the petitioner, which is violation of principles of natural justice, the impugned order passed by the second respondent dated 03.05.2017 is liable to be set aside and the same is set aside. The matter is remanded back to the authorities concerned and the said authorities are directed to hear the petitioner as per Section 131(2) of Tamilnadu Panchayat Act by giving personal opportunity to the petitioner as well as the necessary parties and pass orders on merits and in accordance with law and the said exercise shall be done by the respondents within a period of eight weeks from the date of receipt of copy of this order.

5. In the result, this Writ Petition is allowed. No costs. Consequently, connected W.M.P.(MD) NO.7358 of 2017 is closed.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar.

To

1.The District Collector,
Tirunelveli, Tirunelveli District.

2.The Block Development Officer (Village Panchayath),
Sankarankovil Panchayath Union,
Sankarankovil, Tirunelveli District.

+1CC to M/S.K.Prabhu, Advocate, SR.No. 57067

+1CC to the Special Government Pleader SR.No. 57399

W.P(MD)No.9628 of 2017
and W.M.P(MD)No.7358 of 2017

CM

AM/MMS/SAR 4/31.05.2017/2P/5C