



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.01.2017

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM

and

THE HONOURABLE MR.JUSTICE P.KALAIYARASAN

W.P (MD) No.14201 of 2011

and

M.P (MD) Nos.1, 2 of 2011 and 1 of 2012

C.Kali

.. Petitioner

Vs.

1.The District Collector,
Tirunelveli District, Tirunelveli.

2.The Block Development Officer,
Kadayanallur Panchayat Union,
Tenkasi Taluk, Tirunelveli District.

3.The President,
Kambaneri Village Panchayat,
Kadayanallur Panchayat Union,
Tenkasi Taluk, Tirunelveli District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned eviction order issued by the third respondent dated 24.11.2011 and quash the same and consequently direct the respondents to allow the petitioner to run his petty shop at Survey No.1246, Avudaiyarpuram Village, Kambaneri Village Panchayat, Kadayanallur Panchayat Union.

For Petitioner

:Mr.K.Mahendran for
Mr.P.Arun Jayatram

For Respondent No.1

: Mr.R.Velmurugan,
Government Advocate.

For Respondents 2 and 3

: Mr.R.Anandharaj

ORDER

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

This writ petition has been filed under Article 226 of the Constitution of India praying to call for records relating to the notice dated 24.11.2011 issued by the third respondent to the petitioner and quash the same, by way of issuing a writ of



certiorarified mandamus.

2.It is averred in the petition that the petitioner is a resident of Avudaiyarpuram Village, Tenkasi Taluk, Tirunelveli District. Further it is averred in the petition that in the place mentioned in the notice, more than ten shops are available and all the shop owners have encroached public road. But the third respondent without considering the encroachments alleged to have been made by other shop owners has given notice to the petitioner alone. Under the said circumstances, the present writ petition has been filed for getting the relief sought therein.

3.The learned counsel appearing for the petitioner has contended that without issuing notice to all encroachers, the third respondent has willfully given the impugned notice to the petitioner alone and therefore the same is liable to be quashed.

4.The learned counsel appearing for the third respondent has fairly conceded to the effect that in the place in question, totally ten shops are available by way of encroaching public road.

5.Considering the contention putforth on the side of the third respondent, this Court is inclined to pass the following order.

6.In fine, the Special Officer, Kambaneri Village Panchayat, Kadayanallur Panchayat Union, Tenkasi Taluk, Tirunelveli District is strictly directed to issue an eviction notice as per law to all encroachers of the road mentioned in the petition and take appropriate action within a period of one month. With the above observation, this writ petition is disposed of. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(AS)

/True copy/

Sub Assistant Registrar

To

1.The District Collector,
Tirunelveli District, Tirunelveli.

2.The Block Development Officer,
<https://hcservices.ecourts.gov.in/hcservices/>
Kadayanallur Panchayat Union,
Tenkasi Taluk, Tirunelveli District.



3. The President,
Kambaneri Village Panchayat,
Kadayanallur Panchayat Union,
Tenkasi Taluk, Tirunelveli District.

+1 cc to Mr. Mahendran, Advocate, Sr. NO. 1377
+1 cc to Special Government Pleader, Sr. No 1333

SMN
MS-RR ME:23.01.2017/3P/6C

ORDER MADE IN
W.P (MD) No. 14201 of 2011
and
M.P (MD) Nos. 1, 2 of 2011 and 1 of 2012

06.01.2017