



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.07.2017

CORAM:

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

W.P.[MD].No.12940 of 2013
and
M.P.(MD)No.1 of 2013

T.Sugandhi : Petitioner

Vs.

1.The District Collector,
Tirunelveli.
2.The Tahsildar,
Palayamkottai,
Tirunelveli.
3.The Assistant Engineer,
Public Works Department/WRO,
Tirunelveli Channel Section,
Palayamkottai-627 002. : Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records pertaining to the impugned order dated 23.07.2013 of the third respondent and quash the same.

For Petitioner : Mr.I.Suthakaran

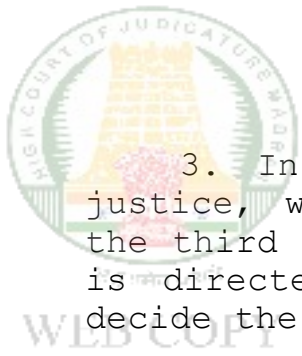
For Respondents : Mr.T.S.Mohammed Mohideen
Additional Government Pleader

O R D E R

[Order of the Court was made by K.K.SASIDHARAN, J.]

The order passed by the third respondent dated 23 July, 2013 is under challenge primarily on the ground that the said order was passed in violation of the principles of natural justice.

2. The impugned order passed by the third respondent directing removal of encroachment does not contain any indication that notice was issued to the petitioner.



3. In view of the violation of the principles of natural justice, we quash the impugned order. The matter is remitted to the third respondent for fresh consideration. The third respondent is directed to issue notice to the petitioner and thereafter, decide the issue purely on merits and as per law.

4. The Writ Petition is allowed as indicated above. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (ADII)

/True Copy/

Sub-Assistant Registrar

To

1. The District Collector,
Tirunelveli.

2. The Tahsildar,
Palayamkottai,
Tirunelveli.

3. The Assistant Engineer,
Public Works Department/WRO,
Tirunelveli Channel Section,
Palayamkottai-627 002.

+One cc to Mr. I. Suthakaran, Advocate, SR.No.63926

+One cc to The Special Government Pleader, SR.No.63966

SML/MYR

RL/6C/2P/SKN/RSK/SAR1/18/7/2017

Order made in
W.P. [MD].No.12940 of 2013

Dated:
06.07.2017