



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 24.08.2017

CORAM :

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

AND

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.6431 of 2013

and

MP(MD)No.1 of 2013

WEB COPY

M.K.A.Mohamed

... Petitioner

Vs.

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Revenue Inspector,
Manjoor Firka,
Paramakudi Taluk,
Ramanathapuram District.

3.The Block Development Officer,
Nainar Kovil, Paramakudi Taluk,
Ramanathapuram District.

4.The President,
Pottakavayal Panchayat,
Paramakudi Taluk,
Ramanathapuram District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, to call for the records of the impugned eviction order passed by the second respondent in his proceedings Nil dated 22.02.2013 and quash the same.

For Petitioner : Mr.K.Seemaraj

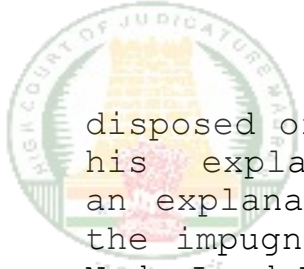
For Respondents : Mr.T.S.Md.Mohideen, AGP for RR1 & 2
No appearance for RR3 & 4

O R D E R

(Order of the Court was made by G.R.SWAMINATHAN, J.)

The writ petitioner challenges the eviction order dated 22.03.2013 issued by the second respondent herein.

2.The writ petitioner had earlier moved this Court on a similar cause of action. This Court by order dated 09.07.2007



disposed of the matter by permitting the writ petitioner to submit his explanation. Accordingly, the writ petitioner submitted an explanation dated 06.08.2007. Without considering the same, the impugned order has been passed under Section 6 of the Tamil Nadu Land Encroachment Act.

3. We find force in the contention of the learned counsel for the writ petitioner. There is nothing on record to show that the writ petitioner was heard while passing the impugned order. On this ground, the impugned order is liable to be quashed. The matter is remitted to the file of the second respondent with liberty to pass a fresh order in accordance with law.

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

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Ramanathapuram District, Ramanathapuram.

2. The Revenue Inspector,
Manjoor Firka,
Paramakudi Taluk, Ramanathapuram District.

3. The Block Development Officer,
Nainar Kovil, Paramakudi Taluk,
Ramanathapuram District.

+1cc to M/S.K. SEEMARAJ, Advocate SR.No.75019
+1cc to Special Government Pleader, SR.No.74908

Skm / Arul
MAS/MR-KKR/SAR3:18.09.2017:2P-6C

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