

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.05.2018

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN
and
THE HONOURABLE MR. JUSTICE N.SESHASAYEE

Writ Petition No.11746 of 2018
and
W.M.P.Nos.13715 & 13716 of 2018

Jeyakodi

... Petitioner

vs.

1. The District Collector,
Tiruvannamalai District,
Tiruvannamalai.
 2. The Revenue Divisional Officer,
Tiruvannamalai District,
Tiruvannamalai.
 3. The Tahsildar,
Thandrampattu Taluk Office,
Thandrampattu,
Tiruvannamalai District.
 4. The Panchayat Commissioner,
Thandrampattu Panchayat Union Office,
Thandrampattu,
Tiruvannamalai.
- ... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus to call for the records relating to the eviction notice in Na.Ka.Va.A2/1166/2018 dated 20.04.2018 on the file of the 4th respondent in respect of the occupation of the petitioner in S.No.52/1, Thandrampattu Village and post, Thandrampattu Taluk, Tiruvannamalai District to the extent of 6 cents and quash the same and direct the respondents 1 to 3 to issue patta to the petitioner.

For Petitioner : Mr.V.Elangovan

For Respondents : Mr.R.Udayakumar,
Additional Government Pleader

ORDER

(Order of the Court was delivered by V.BHARATHIDASAN.J.,)

This writ petition has been filed challenging the order passed by the 4th respondent in Na.Ka.Va.A2/1166/2018 dated 20.04.2018 directing the petitioner to vacate the land in Survey No.52/1, Thandrapattu Village and post, Thandrapattu Taluk, Tiruvannamalai District.

2. According to the petitioner, the present notice has been issued by the fourth respondent without issuing any show cause notice and without conducting any enquiry and the petitioner was directed to vacate the premises. The 4th respondent/Commissioner has no power to issue notice to the petitioner and hence, the petitioner has come forward with the present petition.

3. The learned Additional Government Pleader appearing for the respondent submitted that the land is classified as a poramboke in revenue records.

4. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

5. On a perusal of the records, it is seen that without issuing notice and conducting enquiry, fourth respondent has straight away passed the impugned order of eviction, which is not permissible under law.

6. In the above circumstances, without setting aside the order passed by the authority, the impugned order may be treated as show cause notice and the petitioner is directed to give his objection within a period of two weeks from the date of receipt of a copy of this order and on filing such objection, the fourth respondent is directed to conduct an enquiry and pass detailed order, on merits and in accordance with law, within a

period of four weeks thereafter, after affording an opportunity of hearing to the petitioner. In the meantime, status quo as on date shall be maintained by the parties. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

mrp

To

1. The District Collector,
Tiruvannamalai District,
Tiruvannamalai.
2. The Revenue Divisional Officer,
Tiruvannamalai District,
Tiruvannamalai.
3. The Tahsildar,
Thandrampattu Taluk Office,
Thandrampattu,
Tiruvannamalai District.
4. The Panchayat Commissioner,
Thandrampattu Panchayat Union Office,
Thandrampattu,
Tiruvannamalai.

+lcc to M/s.S.Doraisamy, Advocate sr.no.32917

ppa(co)
nr 31/05/2018

W.P.No. 11720 of 2018

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