



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.05.2018

CORAM:

**THE HONOURABLE MR.JUSTICE M.GOVINDARAJ
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**W.P. [MD] .No. 10734 of 2018
and
W.M.P. (MD) No. 9830 of 2018**

Jeyaraman : Petitioner

Vs.

1. The Tahsildar,
Ilayangudi Taluk,
Sivagangai District.

2. Masanam : Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records pertaining to the eviction notice made in Na.Ka.A1-331-2018 dated 03.05.2018 on the file of the 1st respondent and quash the same.

For Petitioner : Mr.V. Kannan

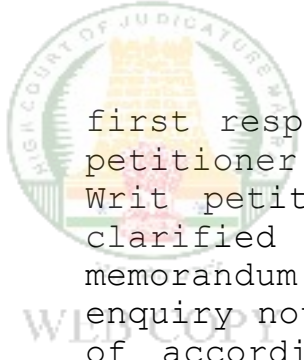
For Respondent -1 : Mr.M.Sethuraman
Additional Government Pleader.

O R D E R

[Order of the Court was made by G.R.SWAMINATHAN, J.]

The Writ petitioner is in occupation of the property, which is situated in S.No.122/5A of Kachathanallur Village Group, Ilayangudi Taluk, Sivagangai District to the extent of 1.24 acres.

2. The first respondent has issued impugned memorandum dated 03.05.2018 calling upon the Writ petitioner to appear on 11.05.2018. It is true that in the impugned memorandum, it has been mentioned that the purpose of enquiry is to clear the encroachment in question. It is made clear that the impugned memorandum shall not be treated as an order or communication expressing predetermination on the part of the authority. The



first respondent shall cause issuance of notice to hear the Writ petitioner and pass a speaking order, if the occupation of the Writ petitioner is an unauthorized one. Since this Court has clarified the position, there is no need to set aside the memorandum in question and it shall be treated purely as an enquiry notice and nothing else. The Writ petition stands disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Vacation Officer(RTI)

/True Copy/

Sub Assistant Registrar

To

The Tahsildar,
Ilayangudi Taluk,
Sivagangai District.

+ 1 cc TO Mr.V.Kannan , Advocate in SR No. 65211
+ 1 cc TO The Special Government Pleader in SR No. 65265

Ksa/RR
AE/JC/SAR1/08.06.2018/2P/4C

ORDER MADE IN
W.P.[MD].No. 10734 of 2018
09.05.2018