



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.05.2018

CORAM:

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**THE HONOURABLE Mr.JUSTICE M.V.MURALIDARAN
AND
THE HONOURABLE Mrs.JUSTICE T.KRISHNAVALLI**

W.P.(MD)No.11711 of 2018 and
W.M.P.(MD)Nos.10644 and 10645 of 2018

M.Sevanthi Veeran

... Petitioner

-Vs-

1. The District Collector,
District Collector Office,
Theni.
2. The Block Development Officer,
Union Office,
Bodinayakkanoor, Theni District.
3. The Special Officer,
Uppukkottai Union,
Theni.

... Respondents

PRAYER: 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 passed by the second respondent in Na.Ka.No.109/2018 A5 dated 04.04.2018 and quash the same as illegal and for other reliefs.

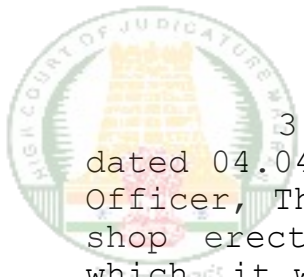
For Petitioner : Mr.N.Balasubramanian
For Respondents : Mr.VR.Shanmuganathan,
Special Government Pleader.

ORDER

(Order of the Court was made by M.V.MURALIDARAN, J.)

The petitioner seeks for a Writ of Certiorari, calling for the records pertaining to the impugned order passed by the second respondent in Na.Ka.No.109/2018 A5 dated 04.04.2018 and quash the same as illegal and for other reliefs.

2.Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader, who takes notice on behalf of the respondents. By consent of both parties, the writ petition is taken up for final disposal at the stage of admission itself.



3. The petitioner has challenged the present impugned order dated 04.04.2018, in which the second respondent / Block Development Officer, Theni District, directed the petitioner to remove the petty shop erected by the petitioner in the Government land, failing which, it will be removed with the help of the police.

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4. Though time and again this Court and the Hon'ble Apex Court in various cases directed the authorities that when encroachments are removed from the Government lands, they have to follow the procedures as per the Act and to evict them, in this case, the impugned order clearly shows that pursuant to the representation given by the petitioner dated 02.04.2018, the second respondent immediately on the third day i.e., on 04.04.2018 directed the petitioner to remove the shop erected by him in the Government land. The action of the second respondent is totally against the law and also against the order of this Court and the Hon'ble Apex Court. Therefore, we are inclined to pass the following order:-

"The writ petition is allowed and the impugned order is set aside. The respondents are directed to take appropriate action for removing the shop by following due process of law and also giving an opportunity to the petitioner. Such exercise shall be done within a period of eight weeks from the date of receipt of a copy of this order. Till such time, the respondents are directed not to take any coercive action against the petitioner."

5. With the above direction, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Vacation Officer

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
District Collector Office, Theni.
2. The Block Development Officer,
Union Office,
Bodinayakkanoor, Theni District.
3. The Special Officer,
Uppukkottai Union, Theni.

+ 1 CC TO Mr.N.BALASUBRAMANIAN, ADVOCATE IN SR No. 66238