



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.10.2018

CORAM

THE HONOURABLE MR. JUSTICE S.S.SUNDAR
and
THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

W.P. (MD) No. 21630 of 2018
and
W.M.P. (MD) No. 19534 of 2018

S.Sathyabama

:Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Tahsildar,
Sivagangai District,
Sivagangai.

3.The Block Development Officer (Village Panchayat),
Thirupathur,
Sivagangai District.

4.The Regional Deputy Block Development Officer (1),
Thirupathur,
Sivagangai District.

5.The Panchayat Secretary,
Ranasingapuram Panchayat,
Ranasingapuram,
Tirupathur Taluk,
Sivagangai District.

: Respondents

Prayer:Writ petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records relating to the impugned notice made in Na.Ka.P3/2432/2017 dated 18.09.2018 issued by the third respondent insofar as petitioner is concerned and quash the same.

For Petitioner : Mr.D.Sadiqraja

<https://hcservices.ecourts.gov.in/hcservices/> For Respondents : Mr.V.Shanmugaselvam,
Additional Government Pleader

**ORDER**

(Order of the Court was made by **S.S.SUNDAR., J.**)

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This writ petition is filed seeking a Writ of Certiorari to quash the impugned order dated 18.09.2018 issued by the third respondent.

2. Heard the learned Counsel appearing for the petitioner and Mr.V.Shanmugaselvam, learned Additional Government Pleader, who takes notice for the respondents.

3. The third respondent by the impugned proceedings dated 18.10.2018, directed the petitioner to remove the encroachment within a period of one week. However, no show cause notice was issued to the petitioner before passing this order. The petitioner disputes the area of encroachment into the public road.

4. In the above said circumstances, this Court is inclined to allow the writ petition, mainly on the ground of want of show cause notice. Accordingly, the impugned order dated 18.10.2018 is quashed. However, liberty is given to the respondents to proceed afresh, after following the procedure and after issuing show cause notice to the petitioner.

5. With the above directions, this writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

SD

ASSISTANT REGISTRAR (RECORDS)

TRUE COPY

SUB ASSISTANT REGISTRAR (CS II)

ssl/gk
To

1.The District Collector,
Sivagangai District, Sivagangai.

2.The Tahsildar,
Sivagangai District, Sivagangai.

3.The Block Development Officer (Village Panchayat),
Thirupathur, Sivagangai District.



4.The Regional Deputy Block Development Officer (1),
Thirupathur, Sivagangai District.

5.The Panchayat Secretary,
Ranasingapuram Panchayat, Ranasingapuram,
Tirupathur Taluk, Sivagangai District.

1CC TO MR. D. SADIQ RAJA, ADVOCATE SR 90989

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