



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.10.2018**

CORAM:

THE HONOURABLE MR. JUSTICE **T.RAJA**

and

THE HONOURABLE MR. JUSTICE **KRISHNAN RAMASAMY**

W.P. (MD) No.21710 and 21711 of 2018

and

W.M.P. (MD) .Nos.19635 and 19636 of 2018

K.Backyalakshmi ... Petitioner in W.P. (MD) .21710/18
P.Raghunathan ... Petitioner in W.P. (MD) .21711/18

Vs.

The Executive Officer,
Aravakuruchi Town Panchayat,
Karur District,
Karur.

... Respondent in both W.Ps

PRAYER in W.P. (MD) .No.21710/18: The writ petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorari calling for the records relating to the impugned order in the form of Notice passed by the respondent in his proceedings Na.Ka.No.134/2014 dated 26.09.2018 and quash the same as illegal in violation of principles of natural justice.

PRAYER in W.P. (MD) .No.21711/18: The writ petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari calling for the records relating to the impugned order in the form of Notice passed by the respondent in his proceedings Na.ka.No.55/2014 dated 26.09.2018 and quash the same as illegal in violation of principles of natural justice.

For Petitioners : Mr.B.Saravanan
For Respondent : Mr.M.Rajarajan
Government Advocate
(In both W.Ps)

COMMON ORDER

(Order of the Court was made by **T.RAJA, J.**)

The petitioners have come to this Court challenging the correctness of the notice dated 26.09.2018, issued by the Executive officer, Aravakuruchi Town Panchayat, Karur District.



2.Questioning the action taken against her, Mrs.K.Backyalakshmi, one the petitioners herein had earlier approached this Court in Writ petition (MD).No.1132 of 2008, wherein, this Court, by an order dated 11.02.2008 made it clear that even if any encroachment is made, the said encroacher shall be given an opportunity. Accordingly, the respondents were directed not to disturb the possession of the petitioner, without following the due process of law. Hence, the learned counsel appearing for the petitioners submitted that even if the petitioners encroached into objectionable land belonging to the respondent, notice should have been given before passing any impugned order. But, such exercise has not been carried out in the instant case.

3.At this stage, the learned Government Advocate appearing for the respondent submitted that the impugned proceedings can be treated as notice and the petitioners may be given two weeks time to give their explanation. Thereafter, the respondent will consider the same and pass appropriate orders.

4.Recording the same, both parties are directed to treat the impugned proceedings as notice calling for explanation why encroachment cannot be removed. Two weeks time is granted to the petitioners to submit their objections/reply, if any, along with supporting documents, to the respondent. On receipt of the same, the Executive officer, Aravakurichi Town Panchayat is hereby directed to consider and pass appropriate orders, thereafter, to take action, if any.

5.With the above observation, both the writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS-IV)

To
The Executive Officer,
Aravakuruchi Town Panchayat,
Karur District, Karur.

+2 CC To MR.B.SARAVANAN, Advocate SR. NO. 91293 & 91295

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