



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.06.2018

CORAM:

**THE HONOURABLE MR.JUSTICE M.DURAIWAMY
AND
THE HONOURABLE DR.JUSTICE ANITA SUMANTH**

W.P (MD) No.13821 of 2018

and

W.M.P (MD) Nos.12551 & 12552 of 2018

K.Ramaiah

... Petitioner

Vs.

1. The District Collector,
Tirunelveli District,
Tirunelveli.
2. The Commissioner,
Shencottai Panchayat Union Office,
Shencottai,
Tirunelveli District.
3. The Block Development Officer,
Shencottai Panchayat Union Office,
Shencottai,
Tirunelveli District.
4. The Tahsildar,
Kadayanallur Taluk,
Kadayanallur,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records in pursuant to the impugned order passed by the third respondent in Aa3/365/2018, dated 07.06.2018 and to quash the same.

For Petitioner : Mr.P.Saravanakumar

For RR 1, 2 & 4 : Mr.M.Jeya Kumar,
Additional Government Pleader.

For R - 3 : Mrs.J.Padhmaavathi Devi,
Special Government Pleader.

**ORDER**

(Order of the Court was made by **M.DURAISWAMY, J.**)

The petitioner has filed the above writ petition to issue a Writ of Certiorari, to call for the records pursuant to the impugned order passed by the third respondent, dated 07.06.2018 and to quash the same.

2.It is the case of the petitioner that Survey No.5/1 is his patta land and Survey No.5/8 is a Government poramboke land.

3.The third respondent issued a notice, dated 07.06.2018 stating that the petitioner had encroached the lands in Survey Nos.5/1 and 5/8.

4.According to the petitioner, he has submitted his explanation to the notice, dated 07.06.2018 on 22.06.2018 to the second respondent.

5.Mr.M.Jeyakumar, learned Additional Government Pleader takes notice for the respondents 1, 2 and 4 and Mrs.J.Padhmaavathi Devi, learned Special Government Pleader takes notice for the third respondent.

6.The learned Additional Government Pleader appearing for the respondents 1, 2 and 4 submitted that the third respondent may be directed to consider the petitioner's reply and pass orders in accordance with law.

7.The learned counsel appearing for the petitioner submitted that the petitioner shall give a copy of the explanation to the third respondent also within three days time.

8.Having regard to the submissions made by the learned counsel appearing on either side, the petitioner is directed to submit his reply to the third respondent within three days from the date of receipt of a copy of this order and on receipt of the same, the third respondent is directed to consider the same and pass orders in accordance with law, after giving an opportunity of hearing to all the interested parties, within a period of four weeks thereafter. Till such time, the third respondent is directed to maintain status quo.

9.With these observations, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar



To

1. The District Collector,
Tirunelveli District,
Tirunelveli.

2. The Commissioner,
Shencottai Panchayat Union Office,
Shencottai,
Tirunelveli District.

3. The Block Development Officer,
Shencottai Panchayat Union Office,
Shencottai,
Tirunelveli District.

4. The Tahsildar,
Kadayanallur Taluk,
Kadayanallur,
Tirunelveli District.

+ 1 cc TO M/s.P.Kalaiyarasi Bharathi , Advocate in SR No. 70286
+ 1 cc TO The Special Government Pleader in SR No. 70614

ps

AE/SV/SAR1/09.07.2018/3P/7C

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28.06.2018