



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.02.2018
CORAM

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MRS.JUSTICE R.THARANI**

W.P.(MD).No.18988 of 2017
and
W.M.P(MD)Nos.15354 and 16058 of 2017

Pachaiammal

... Petitioner

Vs.

- 1.The District Collector,
Dindigul District.
- 2.The Revenue Divisional Officer,
Dindigul District.
- 3.The Tahsildar,
Athur Taluk, Dindigul District.
- 4.The Executive Officer,
Chinnalapatty Town Panchayat,
Chinnalapatty,
Dindigul District.
- 5.The Revenue Inspector,
Chinnalapatty,
Dindigul District.
6. D.Mani
R6 impleaded as per the order of
this Court, dated 23.02.2018 in
W.M.P.(MD).No.19122 of 2017

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the proceedings of the impugned order in Na.Ka.No.633/2017/A, dated 19.09.2017 on the file of the fourth respondent and the consequent impugned order in Na.Ka.No.4885/2017/A2, dated 25.09.2017 (served me on 07.10.17) on the file of the third respondent in so far as the petitioner is concerned and quash the same.



WEB COPY

For RR 1, 3 & 5	: Mr.VR.Shanmuganathan, Special Government Pleader
For R - 4	: Mr.D.Muruganandham, Additional Government Pleader
For R6	: Mr.N.Sathish Babu

O R D E R

[Order of the Court was delivered by T.S.SIVAGNANAM, J.]

Heard Mr.G.Prabhu Rajadurai, learned counsel for the petitioner, Mr.V.R.Shanmuganathan, learned Special Government Pleader for the respondents and we have also heard Mr.N.Sathish Babu, who appeared for the sixth respondent.

2. This is the fourth writ petition filed by the petitioner resisting the action initiated by the respondents to evict the petitioner from the Government property. All the three earlier writ petitions filed by the petitioner were allowed on technical ground, as the notices were issued in violation of the principles of natural justice. The reason for initiating eviction proceedings was triggered on account of the fact that the sixth respondent had approached this Court and filed a writ petition in W.P.(MD).No.9590 of 2017, seeking for a direction upon the official respondents to initiate action against the petitioner and two other persons on the ground that they have encroached the Government land. In each of the three earlier orders passed by this Court, liberty has been granted to the competent authority to proceed further. However, the petitioner is aggrieved by the notices issued by the fourth respondent as well as an internal communication from the third respondent to the fourth respondent. We find that the impugned communication dated 25.09.2017, though appears to be an internal communication, copy of the same has been marked to the petitioner and there is also a direction to the fourth respondent to take action to evict the petitioner. Therefore, we cannot ignore the communication dated 25.09.2017 as a internal communication, simpliciter, in any event, an order of eviction cannot be straight away be passed, by the competent authority, even assuming the petitioner is an encroacher, he should be heard in the matter. Therefore, we are inclined to set aside the impugned order and give liberty to the competent authority, which is the fourth respondent, to initiate appropriate action by issuing a show cause notice.

3. The show cause notice should clearly indicate as to how the fourth respondent has come to a *prima facie* conclusion that the petitioner is an encroacher of Government land. On notice being given, the petitioner should be permitted to give her reply within 15 days from the date of receipt of the notice. Thereafter, the fourth respondent shall conduct an enquiry and pass a speaking order



on merits and in accordance with law, in the event, the fourth respondent is unable to carry out the process, it is open to the fourth respondent to refer the matter to the revenue officials for appropriate action. Till such procedure is completed, *status quo* which is prevailing as on date in respect of the property shall be maintained.

4. With the above direction, the writ petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CSII)

/True Copy/

Sub-Assistant Registrar

To

1. The District Collector,
Dindigul District.
2. The Revenue Divisional Officer,
Dindigul District.
3. The Tahsildar,
Athur Taluk, Dindigul District.
4. The Executive Officer,
Chinnalapatty Town Panchayat,
Chinnalapatty,
Dindigul District.
5. The Revenue Inspector,
Chinnalapatty,
Dindigul District.

+One cc to Mr.N.Sathish Babu, Advocate, SR.No.50731
+One cc to Mr.G.Prabhu Rajadurai, Advocate, SR.No.51215
+One cc to The Special Government Pleader, SR.No.51334

akv
RL/9C/3P/KK/SAR1/2/4/2018

W.P. (MD) .No.18988 of 2017