

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.08.2019

CORAM :

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE M.DURAIWAMY

W.P. Nos.6587, 6588 and 6589 of 2011 and

M.P. Nos. of 2011 (3 MPs)

K.Thangavel .. Petitioner in W.P.No.6587/2011
J.Nikson .. Petitioner in W.P.No.6588/2011
A.Logambal .. Petitioner in W.P.No.6589/2011

vs.

1. The Assistant Director of Panchayats,
Town Panchayat,
Salem District, Salem.

2. The Executive Officer,
Karuppur Town Panchayat,
Salem District.

.. Respondents in all W.Ps

Writ Petitions filed under Article 226 of the Constitution of India praying to issue of Writ of Certiorari, calling for the entire records in pursuant to the eviction Notices issued by the 2nd respondent in Na.Ka.No.123 of 2010, dated 09.03.2011 and quash the same.

For Petitioners : Mr. T.P.Prabakaran
(in all WPs)

For Respondents : Mr.V.Jayaprakash Narayanan,
(in all WPs) Government Pleader (i/c) - for R1

Mr.P.Netaji - for R2

COMMON ORDER

(ORDER OF THE COURT WAS MADE BY M.DURAIWAMY, J.)

The petitioners have filed the above Writ Petitions to issue Writs of Certiorari to call for the records pursuant to the eviction notices issued by the 2nd respondent dated 09.03.2011 and to quash the same.

2. The 2nd respondent passed the impugned notices calling upon the petitioners to vacate the premises put up by them by encroaching the land belonging to the 2nd respondent. While passing the impugned notices, the 2nd respondent relied upon the order passed by this Court dated 31.01.2011 in W.P.No.28253 of 2010 wherein, the 2nd respondent was directed to take necessary steps in accordance with law for removal of the encroachments in Survey Nos. 260/1 and 260/2 situated at 15th Ward, Karuppur Town Panchayat, Omalur Taluk, Salem District, after hearing the alleged encroachers.

3. On a perusal of the notices dated 09.03.2011, it is clear that the 2nd respondent has not given any opportunity to the petitioners as directed in W.P.No.28253 of 2010. That apart, the impugned notices do not contain the details of the Act under which the notices were issued. In such circumstances, the notices are liable to be set aside. Accordingly, the same are set aside. However, we give liberty to the 2nd respondent to issue fresh notices and pass final orders after giving an opportunity of hearing to the petitioners as directed in W.P.No.28253 of 2010. Further, the 2nd respondent is directed to mention the provisions under which the notices are issued.

With these observations, the Writ Petitions are allowed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

s/d-

Assistant Registrar (CS V)

True Copy

Sub-Assistant Registrar

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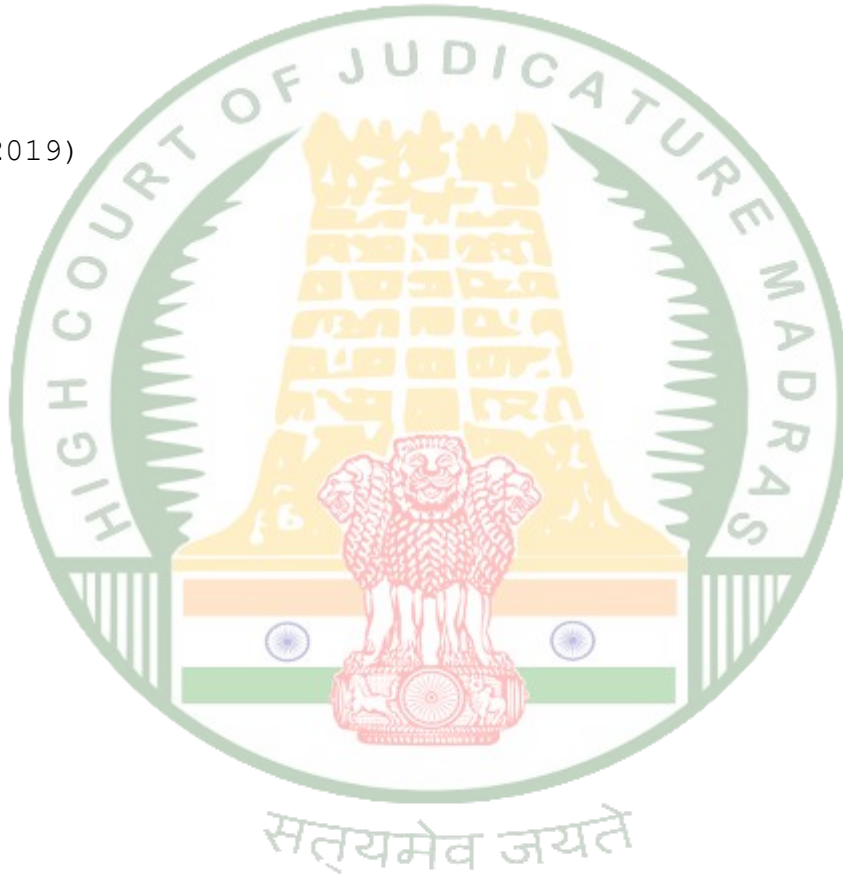
1. The Assistant Director of Panchayats,
Town Panchayat,
Salem District, Salem.

2. The Executive Officer,
Karuppur Town Panchayat,
Salem District.

+3 Ccs to Mr.T.P. Prabakaran, Advocate sr 75272 to 75274.
+1 CC to Mr.V.Jayaprakash Narayanan, advocate sr 76006.
+1 CC to Mr.P.Netaji, Advocate sr 75208.
+1 CC to The Govt. Pleader sr 75514.

W.P. Nos.6587, 6588 and 6589 of 2011 and
M.P. Nos. of 2011 (3 MPs)

MP (CO)
SP (27/09/2019)



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