

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2019

CORAM

THE HON'BLE MR.JUSTICE R.SUBBIAH
AND
THE HON'BLE MR.JUSTICE R.PONGIAPPAN

WRIT PETITION NO.32793 OF 2019
AND
W.M.P.NO.33214 OF 2019

P.Kandasamy

..Petitioner

Vs.

1. The District Collector,
Puducherry District,
Puducherry.
2. The Commissioner,
Villianur Commune Panchayat,
Villianur, Puducherry.
3. The Deputy Collector,
Revenue South cum Chairman Task Force,
Villianur, Puducherry.
4. The Superintendent of Police (West),
Villianur,
Puducherry.
5. The Tahsildar,
Villianur Taluk Office,
Villianur, Puducherry.

...Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorari, to call for the records relating to the impugned order dated 19.11.2019 made in F.No.20-1/VCP/Rev/2019-20/422 passed by the second respondent and to quash the same.

For Petitioner : Mr.C.Prabakaran

For Respondents: Mr.C.T.Ramesh
Additional Government Pleader (Pondy)

O R D E R
[Order of the Court was made by R.SUBBIAH,J]

The petitioner has filed the above Writ Petition praying for issuance of a Writ of Certiorari, to call for the records relating to the impugned order dated 19.11.2019 made in F.No.20-1/VCP/Rev/2019-20/422 passed by the second respondent and to quash the same.

2. Heard Mr.C.Prabakaran, learned counsel for the petitioner, Mr.C.T.Ramesh, learned Additional Government Pleader (Puducherry) for the respondents.

3. In the impugned order, it is stated that the petitioner is now under unlawful occupation of the defaulter and that the part of Road portion existing in R.S.No.21/3D belonged to this Commune Panchayat and the petitioner has erected a wall barring the public and vehicular movement. As such, the Act of the petitioner is deemed to be in violation under Section (1) of Sub Section 248 of Puducherry village and Commune Panchayat Act 1973 and hence, it was directed to vacate the premises within a period of three days from the date of receipt of a copy of the order.

4. It is the submission made by the learned counsel for the petitioner that without issuing notice, calling for explanation directly, the petitioner has been asked to vacate the property.

5. The learned Additional Government Pleader(Puducherry) for the respondents submitted that they will withdraw the present impugned order and issue fresh notice to the petitioner, calling for explanation under Section (1) of Sub Section 248 of Puducherry village and Commune Panchayat Act 1973.

6. Recording the said submission, the Writ Petition stands closed. The respondents shall issue a fresh notice to the petitioner within a period of one week from the date of receipt of a copy of this order and the entire exercise shall be completed within a period of six weeks thereafter, after providing an opportunity of hearing to the petitioner. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

vkr

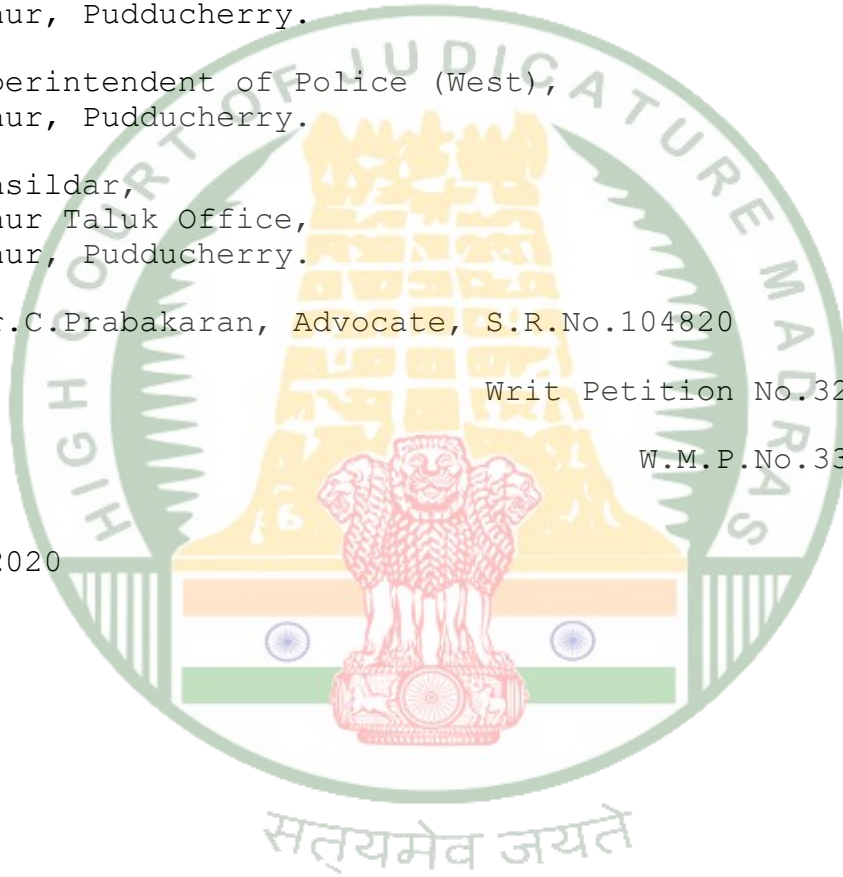
To

1. The District Collector,
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+1cc to Mr.C.Prabakaran, Advocate, S.R.No.104820

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and
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CP(CO)
CS/24/01/2020



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