



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.06.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU
AND
THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P (MD) NO.1381 OF 2018
and
W.P (MD) Nos.1652 to 1655 of 2018
and
W.M.P (MD) No.1463 OF 2018
and
W.M.P (MD) Nos.1748 to 1755 of 2018

E.Solaimuthu	:Petitioner in W.P (MD) No.1381 of 2018
S.Velammal	:Petitioner in W.P (MD) No.1652 of 2018
S.Angappan	:Petitioner in W.P (MD) No.1653 of 2018
S.Chellaiyah	:Petitioner in W.P (MD) No.1654 of 2018
P.Madathi	:Petitioner in W.P (MD) No.1655 of 2018

.vs.

The Assistant Director,
Animal Husbandry Department,
Ambasamuthiram,
Tirunelveli District.
Tirunelveli.

: Respondent in All Cases

COMMON PRAYER IN W.P (MD) Nos.1381,1652 to 1655 OF 2018: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records relating to the impugned order, made by the respondent in Na.Ka.No.2034/A2/2016-17, 2016-5, 2016-9, 2016-3 and 2016-4 dated: 03.01.2018 respectively and quashed the same as illegal and quash the same.

For Petitioner
in all W.Ps'

:Mr.E.Mareeskumar
for M/s.Ajmal Associates

For Respondent
in all W.Ps'

:Mr.M.Karuppasamy
Govt.Advocate

**COMMON ORDER**

[Order of the Court was made by **SENTHILKUMAR RAMAMOORTHY .,J.**]

These Writ Petitions are filed challenging the impugned notice, dated 3.1.2018 issued by the respondent.

2. Heard the learned counsel appearing for the Petitioners and the learned Government Advocate appearing for the respondent.

3. The learned counsel for the Petitioners submit that the impugned order was issued without prior show-cause notice enabling the Petitioners to raise their objections and that the Petitioners have been directed straight-away to remove the encroachment within 15 days from the date of receipt of such impugned notice. He further submitted that the said impugned notice has been issued by a person, who does not have the competent jurisdiction under the Tamil Nadu Land Encroachment Act, 1905.

4. On a perusal of the typed-set of papers, it is seen that by order, dated 22.6.2017 in W.P(MD)No.3035 of 2017, the Division Bench of this Court has directed the fourth respondent therein/respondent herein to take appropriate action for the purpose of removing all the encroachments from S.No.114/1 which is classified as 'Mandhai Poramboke'. Consequently by order of this Court, the respondent herein had issued the present impugned notice.

5. We find from the submission of the learned counsel for the Petitioners that no prior show-cause notice was issued before issuing the present impugned notice.

6. Accordingly, without expressing any opinion on the merits of the dispute, We direct the impugned notice to be treated as a show-cause notice by both the parties and the Petitioners are directed to submit their explanations/objections to the said notice within a period of two weeks from the date of receipt of a copy of this order. On receipt of such explanations/objections from the Petitioners, the respondent herein, in co-ordination with the Revenue Officials, is directed to consider the objections of the Petitioners on merits and pass speaking orders in accordance with law, after affording adequate opportunity to all the parties concerned, within a period of eight weeks thereafter.

7. These Writ Petitions are disposed of, on the above terms. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //



To

The Assistant Director,
Animal Husbandry Department,
Ambasamuthiram,
Tirunelveli District.
Tirunelveli.

+5 CC to SPL GP SR-68291.

+4 CC to M/s.AJMAL ASSOCIATES, Advocate SR-68177.

**COMMON ORDER MADE IN
W.P(MD)NO.1381 OF 2018**

and

W.P(MD)Nos.1652 to 1655 of 2018

and

W.M.P(MD)No.1463 OF 2018

and

W.M.P(MD)Nos.1748 to 1755 of 2018

11.06.2019

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