



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

AND

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)NO.7099 OF 2018

and

W.M.P(MD)No.6802 of 2018

K.Murugan

: Petitioner

.vs.

1. The District Collector,
Collectorate,
Theni District.

2. The Assistant Director of Panchayat,
Office of the Collectorate,
Theni District.

3. The Special Officer, Surulipatti Panchayat/
The Block Development Officer(Village Panchayat),
Panchayat Union,
Kambam, Theni District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus challenging the impugned order in Na.Ka.No.514/2018/B2, dated 16.2.2018 passed by the third respondent as illegal and to quash the same and consequently to direct the third respondent not to interfere with the day-to-day concern of Sri Aathi Annamalaiyar Temple which is situated in S.No.2048 at Surulitheertham, Theni District within the time stipulated by this Court.

For Petitioner	: Mr.J.Senthil Kumaraiah
For Respondents	: Mr.M.Karuppasamy
1 and 2	Government Advocate
For Respondent-3	: Mr.S.Dhayalan
	Govt.Advocate

O R D E R

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

This Writ Petition is filed challenging the impugned notice dated 16.2.2018 issued by the third respondent.

<https://hcservices.ecourts.gov.in/hcservices/>

2.Heard the learned counsel appearing for the Petitioner and Mr.M.Karuppasamy, learned Government Advocate appearing for the



respondents 1 and 2 and Mr.S.Dhayalan, learned Government Advocate appearing for the third respondent.

3.The main contention of the learned counsel for the Petitioner is that no prior show-cause notice was issued before issuance of the the present impugned notice, dated 16.2.2018 and therefore, the Petitioner must be given an opportunity to raise his objections and submit a representation.

4.On a perusal of the impugned notice, We find that it is not referred to anywhere in the impugned notice that prior show-cause notice was issued to the Petitioner but the Petitioner has been straight-away directed to remove the encroachment within a period of three days from the date of receipt of the said impugned notice.

5.The learned Government Advocate appearing for the third respondent also admits that the impugned notice was issued without issuing prior show-cause notice to the Petitioner.

6.Accordingly, without expressing any opinion on the merits of the dispute, We direct the impugned notice, dated 16.2.2018 to be treated as a show-cause notice by both the parties and the Petitioner is directed to submit his objections/explanations 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 objections/explanations, the third respondent is directed to consider the same on merits and pass a speaking order in accordance with law, after providing adequate opportunity of hearing to all the parties concerned, within a period of eight weeks thereafter.

7.The Writ Petition is disposed of, on the above terms. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CO)

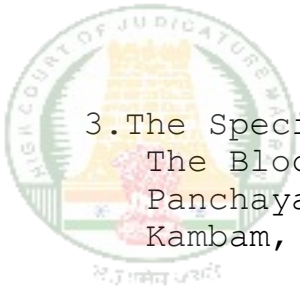
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Sub Assistant Registrar(CS)

To

1.The District Collector,
Collectorate,
Theni District.

2.The Assistant Director of Panchayat,
Office of the Collectorate,
Theni District.



3.The Special Officer, Surulipatti Panchayat/
The Block Development Officer (Village Panchayat),
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ORDER MADE IN
W.P (MD) NO. 7099 OF 2018
and
W.M.P (MD) No. 6802 of 2018
11.06.2019

vsn

MK (23.07.2019) 3P 4C