



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

and

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD) Nos.14044 to 14047 of 2019

and

W.M.P. (MD) Nos.10523 to 10527 of 2019

P.Balu : Petitioner in W.P. (MD) No.14044 of 2019
G.Sundaramoorthy : Petitioner in W.P. (MD) No.14045 of 2019
A.Muniyandi : Petitioner in W.P. (MD) No.14046 of 2019
P.Ramu : Petitioner in W.P. (MD) No.14047 of 2019

Vs.

1.The District Collector,
Theni District, Collectorate,
Theni Post & District.

2.The Tahsildar,
Uthamapalayam Taluk Office,
Uthamapalayam Taluk,
Theni District.

3.The Commissioner,
Chinnamanoor Municipality,
Chinnamanoor Post - 625 515,
Uthamapalayam Taluk,
Theni District.

: Respondents in all the Writ Petitions

COMMON PRAYER: Writ Petitions are filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus calling for the records in pursuant to the impugned order issued by the third respondent in Na.Ka.No.87/2016/F1, dated 31.05.2019 and quash the same and consequently direct the first respondent to issue patta in favour of the petitioners name for occupied house site situated in Ward -19, Viswanathapuram Ward-A, Block No.14 near to the Government Kallar Girls Hostel, Chinnamanoor Municipality, Theni District.



For Respondents in
all the Writ petitions : Mr.M.Karuppasamy
Government Advocate

C O M M O N O R D E R

[Order of the Court was made by **K.RAVICHANDRABAABU, J.**]

The petitioners are aggrieved against the proceedings of the third respondent, dated 31.05.2019 issued under Section 362 of the Tamil Nadu District Municipalities Act, 1920, wherein and whereby they were called upon to vacate the premises within 15 days by claiming that they have encroached upon the subject matter property at Visvankulam.

2.Heard both sides.

3.It is seen that the petitioners have already approached this Court and filed W.P.(MD)Nos.23598 to 23602 of 2015, challenging the proceedings to remove encroachment on the ground that the same was issued without following the principles of natural justice. It is further seen that this Court has granted interim protection during the pendency of those writ petitions and ultimately disposed the above writ petitions by passing an order on 15.11.2018 and directed the respondents therein to issue fresh proceedings in accordance with G.O.(Ms) No.854, Revenue Department, to remove the encroachments under the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007. Consequently, the impugned proceedings were issued to the petitioners.

4.The main grievance of the petitioners before this Court is that once again the third respondent has chosen to issue the impugned proceeding without issuing any notice to the petitioners. In other words, it is their contention that the order of the third respondent directing the petitioners to remove the encroachment straightaway, without calling upon them to give their explanation, cannot be sustained. We are not expressing any view on the merits of the claim made by the petitioners to retain the possession of the subject matter property, as it is for the respondents to consider and decide. However, as we see that the present proceedings are issued without issuing any notice to the petitioners and so in order to see that the principles of natural justice is strictly complied with, these writ petitions are disposed of by directing the parties to treat the impugned proceedings itself as show cause notice. Consequently, the petitioners are directed to give their reply within a period of two weeks from the date of receipt of a copy of this order. On



receipt of such reply, the third respondent shall pass a speaking order on merits and in accordance with law, within a period of ten weeks thereafter. No costs. Consequently, connected Miscellaneous Petitions are closed.

WEB COPY

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

To

1.The District Collector,
Theni District, Collectorate,
Theni Post & District.

2.The Tahsildar,
Uthamapalayam Taluk Office,
Uthamapalayam Taluk,
Theni District.

3.The Commissioner,
Chinnamanoor Municipality,
Chinnamanoor Post - 625 515,
Uthamapalayam Taluk,
Theni District.

+1 CC to M/s.SPL GP (SR-71142,71143[F] dated 25/06/2019)

+4 CC to M/s.M.SARAVANA KUMAR, Advocate (SR-70794[F] dated 24/06/2019)

RJ2

W.P. (MD) Nos.14044 to 14047 of 2019

and

W.M.P. (MD) Nos.10523 to 10527 of 2019

24.06.2019

_KM/ (03.07.2019) 3P 9C