



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

AND

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)NO.894 OF 2019

and

W.M.P(MD)Nos.719 and 720 of 2019

P.Chinnathambi

:Petitioner

.vs.

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Block Development Officer(Vaa.Voo) /
Union Commissioner,
Nainar Kovil Division,
Paramakudi Taluk.

3.The Tahsildar,
Paramakudi Taluk,
Ramanathapuram District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records pertaining to the impugned order of the second respondent passed in Na.Ka.No.A2/1655/2018, dated 17.12.2018 and to quash the same as illegal, arbitrary.

For Petitioner

:Mr.K.Sudalaiyandi

For Respondents

:Mr.M.Karuppasamy

1 to 3

Government Advocate

O R D E R

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

This Writ Petition is filed challenging the order of the second respondent, dated 17.12.2018, whereby, the Petitioner was called upon to remove the encroachment in S.No.383.

2.The case of the Petitioner is that he is running a small Petty Shop for the past 35 years in the properties and buildings situated in S.Nos.383/14, 383/15 and 384/1.

3.Heard the learned counsel appearing for the Petitioner and the learned Government Advocate appearing for the respondents.

4.The learned counsel for the Petitioner submits that there is no encroachment and that the land in question is a private land owned by the Petitioner. He further submitted that no prior show-cause notice was issued and the impugned order has been issued by



the second respondent without following the principles of natural justice.

5. On a perusal of the impugned order, dated 17.12.2018, it is clear that the Petitioner has been called upon to remove the encroachment, without providing an opportunity to the Petitioner to raise any objection or provide an explanation with regard to the alleged encroachment.

6. Accordingly, We are of the view that without expressing any opinion on the merits of the dispute, the impugned notice, dated 17.12.2018 shall be treated as a show-cause notice to the Petitioner and the Petitioner is permitted to raise objections or submit an explanation in respect of such notice within a period of two weeks from the date of receipt of a copy of this order. On receipt of such explanation, the second respondent shall pass orders on merits and in accordance with law within a period of six weeks from the date of receipt of explanation from the Petitioner.

7. With the above directions, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (P AND A)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.

2. The Block Development Officer (Vaa.Voo) /
Union Commissioner,
Nainar Kovil Division,
Paramakudi Taluk.

3. The Tahsildar,
Paramakudi Taluk,
Ramanathapuram District.

+1 CC to M/s.SPL GP (SR-72047[F] dated 27/06/2019)

+1 CC to M/s.K.SUDALAIYANDI, Advocate (SR-71447[F] dated 26/06/2019

W. P (MD) NO. 894 OF 2019

and

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