



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)No.13001 of 2018

and

W.M.P.(MD)No.11894 of 2018

S.Sennaperumal

: Petitioner

Vs.

1.The District Collector,
Theni District.

2.The Tahsildhar,
Bodianayakkanur Taluk,
Theni District.

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

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorari calling for the records relating with the impugned notice, dated 03.06.2018 issued by the third respondent and quash the same as it is arbitrary and illegal.

For Petitioner : Mr.R.Suriya Narayanan
For R-1 and R-2 : Mr.N.Shanmugaselvam
Additional Government Pleader
For R-3 : Mrs.S.Srimathy
Special Government Pleader

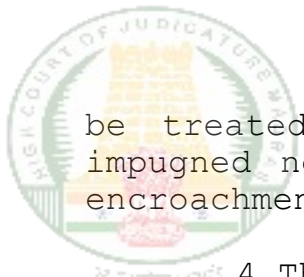
O R D E R

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

This writ petition is filed challenging the notice, dated 03.06.2018 issued by the third respondent.

2.Heard the learned counsel appearing for the petitioner; the learned Additional Government Pleader appearing for the respondents 1 and 2 and the learned Special Government Pleader appearing for the third respondent.

3.The case of the petitioner is that he is the absolute owner of the Natham house site measuring an extent of .0025 meter cents in old S.No.1002/1 and new S.No.1002/25 in Manchinayakkanpatti Village, Bodi Taluk, Theni District. It is further stated that he has put up steps in the pathway, infront of his house and that the same cannot



be treated as an encroachment, whereas the third respondent by impugned notice, dated 03.06.2018, has directed him to remove the encroachment within 15 days from the date of receipt of the notice.

4. The learned counsel for the petitioner reiterates the submissions made in the affidavit and pointed out that no show cause notice was issued before issuing the impugned notice, whereby the petitioner has been directed to straight away remove the encroachment within 15 days.

5. The learned Special Government Pleader submits that the petitioner would be permitted to show cause against the impugned notice before action is taken in accordance with law.

6. Accordingly, without expressing any opinion on the merits of the dispute, this Writ Petition is disposed of, by directing that the impugned notice dated 03.06.2018 be treated as a show cause notice. The petitioner is permitted to submit an explanation/representation to the said notice, within a period of two weeks from the date of receipt of a copy of this order. Upon receipt of such explanation/representation, the third respondent is directed to consider the same and pass orders thereon, on merits and in accordance with law, within six weeks from the date of receipt of the said explanation/representation. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Ad-II)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The District Collector,
Theni District.

2. The Tahsildhar,
Bodinayakanur Taluk,
Theni District.

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

+1 CC to M/s.R.SURIYANARAYANAN, Advocate SR-70799.
+1 CC to SPL GP SR-71250.

W.P. (MD) No.13001 of 2018