



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

AND

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)NOS.16444 and 16424 OF 2019

and

W.M.P(MD)Nos.13107 and 13121 of 2019

1.C.Deivasigamani :Petitioner in W.P(MD)No.16444 of 2019

2.C.Athanam :Petitioner in W.P(MD)No.16424 of 2019

.vs.

1.The District Collector,
Tiruchirappalli District,
Tiruchirappalli.

2.The Tahsildar,
Lalgudi Taluk Office,
Lalgudi,
Tiruchirappalli District.

3.The Commissioner,
Pullampadi Panchayat Union,
Pullampadi - 621 711,
Tiruchirappalli District.

4.The Block Development Officer(Village Panchayat),
Pullampadi Panchayat Union,
Pullampadi -621 711,
Tiruchirappalli District. : Respondents in both W.Ps'

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records in pursuant to the impugned order, dated 28.6.2019 passed by the fourth respondent vide his proceedings in Na.Ka.Aa2/1042/2019 and to quash the same as illegal and consequently to direct the respondents 2 and 3 to



consider and pass orders on the Petitioners' representation, dated 10.6.2019, within the time stipulated by this Court.

For Petitioner
in both W.Ps

:Mr.M.Siddharthan

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For Respondents
1 to 3 in both W.Ps'

:Mr.M.Karuppasamy
Government Advocate

For Respondent-4
in both W.Ps'

:Mrs.J.Padmavathi Devi
Spl. Govt.Pleader

COMMON ORDER

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

In both the Writ Petitions, the Petitioners are aggrieved against the proceedings of the fourth respondent, dated 28.6.2019, wherein and whereby, they were called upon to remove the encroachment made in Old S.No.124/1(New S.No.487/1) of Melarasur Panchayat, Pullampadi Panchayat Union within a period of seven days. It is also indicated in the impugned proceedings that failure to do so would result in taking action for removal of encroachment with the help of Police and Revenue Department.

2.The learned counsel for the Petitioners contended that before issuance of the impugned order of eviction, these Petitioners were not put on notice. He further contended that mere dismissal of the Second Appeal referred to in the impugned proceedings itself would not entitle the fourth respondent to issue the impugned proceedings, since a suit, which culminated into a Second Appeal, is itself for a bare injunction and therefore, the Petitioners should be heard before issuing the order of eviction.

3.Perusal of the impugned proceedings would show that it referred to the judgment made in S.A(MD)No.313 of 2016. As the Writ Petitioners contend that they were not put on notice before issuing the impugned order of eviction, without expressing any view on the merits of the contentions raised by both parties, we propose to dispose these Writ Petitions only by directing the parties to treat the impugned proceedings as the notice, so as to enable these Petitioners to file their objections.

4.Accordingly, both the Writ Petitions are disposed of, with the following directions:

(a)the parties shall treat the impugned proceedings as a notice.

(b)the Petitioners shall give their reply/objections within a period of two weeks from the date of receipt of a copy of this order.

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(c)on receipt of such reply/objections, the fourth respondent shall pass appropriate orders on merits and in accordance with law



within a period of four weeks thereafter.

No costs. Consequently, connected Miscellaneous Petitions are closed.

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Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar (CS)

To

- 1.The District Collector,
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Lalgudi,
Tiruchirappalli District.
- 3.The Commissioner,
Pullampadi Panchayat Union,
Pullampadi - 621 711,
Tiruchirappalli District.
- 4.The Block Development Officer (Village Panchayat),
Pullampadi Panchayat Union,
Pullampadi -621 711,
Tiruchirappalli District.

+1 cc Mr.M.SIDHARTHAN ,Advocate, SR.No.77160
+1cc to M/s.Special Government Pleader,SR.No. 77944

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VSN

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