



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.08.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABABU
and
THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD)No.18083 of 2019

and

W.M.P. (MD)Nos.14540 and 14541 of 2019

S.Kuruvan

... Petitioner

- Vs. -

1.The District Collector,
Office of the District Collector,
Madurai.

2.The Tahsildar,
Thirupparakundram Taluk Office,
Thirupparakundram, Madurai District.

3.The Block Development Officer (Village Panchayat),
Thirupparakundram Panchayat Union,
Thirupparakundram, Madurai District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus Calling for the records pertaining to the impugned proceedings issued by the 3rd respondent in his proceedings in Na.Ka.1608/2019/Thi 2, dated 16.8.2019 which was affixed on the compound wall of the petitioner and quash the same, and consequently forbearing the respondents from in any manner dispossessing the petitioner from his house property comprised in S.No.4/37 bearing D.NO.2/148 Sonaisamy Theru, Othai Alangulam Village, Thirupparakundram Taluk, Madurai District.

For Petitioner

: Mr.P.Mahendran

For Respondents

: Mr.VR.Shanmuganathan
Special Government Pleader



O R D E R

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

The petitioner is aggrieved against the proceedings of the third respondent, dated 16.08.2019, wherein and whereby he was called upon to remove the encroachment made in the property referred to in the impugned proceedings.

2.Heard both sides.

3.The main grievance of the petitioner is that before passing the impugned order, no notice was issued to him at any point of time and therefore, the principles of natural justice is violated. It is the specific case of the petitioner that the third respondent has not issued any show cause notice at any point of time and called for explanation from the petitioner with regard to the proposed action to remove the so called encroachment.

4.When the matter was taken up for admission on 20.08.2019, we directed the learned Special Government Pleader to take notice for the respondents and ascertain as to whether any notice was issued to the petitioner before passing the impugned order. Accordingly, the matter is listed today for further hearing. Mr.VR.Shanmuganathan, learned Special Government Pleader based on instructions submitted that no notice was issued to the petitioner before passing the impugned order and therefore, the impugned order itself may be treated as a notice to the petitioner, so as to enable him to give his explanation.

5.Considering the above stated facts and circumstances and in view of the submissions made by the learned Special Government Pleader as stated supra, this writ petition is disposed of with the following directions:-

"(a).The impugned proceedings dated 16.08.2019 shall be treated by both parties as a notice to the writ petitioner;

(b).The petitioner shall give his objection within a period of two weeks from the date of receipt of a copy of this order;

(c).On receipt of such objection, the third respondent shall pass a speaking order on merits and in accordance with law, within a period of four weeks thereafter.

(d).Till an order is passed by the third respondent, status-quo as on today, shall be maintained by both parties. We make it clear that we are not expressing any view on the merits of the claim made by the petitioner, as it is for the third respondent to consider and decide."



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No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The District Collector,
Office of the District Collector,
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- 2.The Tahsildar,
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Thirupparakundram, Madurai District.
- 3.The Block Development Officer (Village Panchayat),
Thirupparakundram Panchayat Union,
Thirupparakundram, Madurai District.

+1 CC to Mr.P. MAHENDRAN, Advocate SR-82532.
+1 CC to SPL GP SR-83301.

W.P. (MD)No.18083 of 2019

22.08.2019

CS(16.09.2019) 3P 6C