



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM  
and  
THE HONOURABLE MRS.JUSTICE R.THARANI

W.P. (MD) No.22480 of 2019  
and W.M.P. (MD) No.19260 of 2019

N.Balan

... Petitioner

-vs-

The Block Development Officer,  
(Kosur Village Panchyats),  
Krishnarayapuram Panchayat Union,  
Karur District.

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned order passed by the respondent in the form of Notice in his proceedings Na.Ka.A3/2925/2018 dated 09.10.2019 and quash the same as illegal and arbitrary.

For Petitioner : Mr.B.Saravanan

For Respondent : Mr.S.Angappan  
Government Advocate

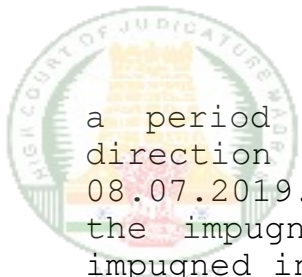
**O R D E R**

[Order of the Court was made by T.S.SIVAGNANAM, J.]

Heard Mr.B.Saravanan, learned counsel appearing for the petitioner and Mr.S.Angappan, learned Government Advocate appearing for the respondent.

2.By consent on either side, this Writ Petition itself is taken up for final disposal.

3.The petitioner is before this Court for the second time challenging the eviction proceedings initiated. Earlier the petitioner filed W.P.(MD) No.13052 of 2018, challenging the notice issued by the Block Development Officer dated 12.06.2018 on the ground that it is illegal, arbitrary and in violation of principles of natural justice. The Writ Petition was disposed of by order dated 21.06.2019 by directing the petitioner to treat the said notice as Show Cause Notice and to give explanation to the said notice within



a period of two weeks. The petitioner has complied with the direction issued by this Court and has sent objections dated 08.07.2019. However, without dealing with any of the points raised, the impugned order has been passed by the respondent, which is impugned in this Writ Petition.

4.The petitioner claims that he is a licensee and permitted to put a shop and he cannot be treated as an encroacher. In the light of the same, the respondent has to consider that if he is a licensee, what was the period of licence and whether the petitioner has made valid objections and after considering the same, a speaking order has to be passed.

5.Since the above said exercise has not been done, the Writ Petition is allowed and the impugned order of the respondent dated 09.10.2019 is set aside. The respondent is directed to consider the objections raised by the petitioner dated 08.07.2019 and pass a speaking order within one week from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

To

The Block Development Officer,  
(Kosur Village Panchyats),  
Krishnarayapuram Panchayat Union,  
Karur District.

+1 CC to M/s.B.SARAVANAN, Advocate ( SR-94203[F] dated 24/10/2019 )

**W.P. (MD) No.22480 of 2019**  
**and W.M.P. (MD) No.19260 of 2019**

**23.10.2019**

KK/SAR/31.10.2019/2P-3C/