



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE P. VELMURUGAN

AND

THE HONOURABLE MRS.JUSTICE R. THARANI

W.P(MD)No.27407 of 2019

and

W.M.P(MD)No.23668 of 2019

K.Baskar

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Tahsildar,
Thirumangalam Taluk,
Thirumangalam,
Madurai District.

3.The Commissioner,
Thirumangalam Municipality,
Thirumangalam,
Madurai District.

4.M.Thillai Natarajan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed in Na.Ka.No.1670/2019/F1 dated 17.12.2019 by the third respondent and quash the same as illegal insofar as petitioner is concerned and consequently directing the respondents 1 to 3 to take necessary action by conducting spot verification and survey in old Survey No.128/PT new Survey No.136/1B at Mohammed Shah Puram Road, Thirumangalam Town, Madurai District in accordance with law.

For Petitioner

: Mr.A.Ananda Raj

For RR 1 & 2

: Mr.K.Mu.Muthu,

Additional Government Pleader.

For R - 3

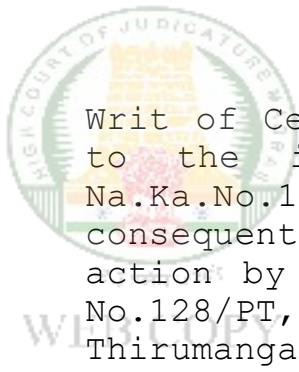
: Mr.A.Kannan

ORDER

(Order of the Court was made by **P. VELMURUGAN, J.**)

The petitioner has filed the above Writ Petition to issue a

<https://hcservices.ecourts.gov.in/hcservices/>



Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the third respondent in Na.Ka.No.1670/2019/F1 dated 17.12.2019 and to quash the same and consequently to direct the respondents 1 to 3 to take necessary action by conducting spot verification and survey in old Survey No.128/PT, new Survey No.136/1B at Mohammed Shah Puram Road, Thirumangalam Town, Madurai District in accordance with law.

2.Mr.K.Mu.Muthu, learned Additional Government Pleader takes notice for the respondents 1 and 2 and Mr.A.Kannan, learned counsel takes notice for the third respondent.

3.The contention raised by the learned counsel for the petitioner is that despite a direction given by the Division Bench of this Court in W.P(MD)No.18976 of 2019, dated 26.11.2019, the representations given by the petitioner dated 01.11.2019 and 02.11.2019 have not been considered and pass any order, however, the third respondent issued a show-cause notice dated 17.12.2019 to remove the encroachment made by the petitioner.

4.It is seen that the show cause notice does not reflect that the representations of the petitioner dated 01.11.2019 and 02.11.2019 have been considered and rejected, as per the direction of the Division Bench of this Court dated 26.11.2019. In the absence of any consideration, the show cause notice issued by the third respondent is liable to be quashed.

5.In view of the above, the show cause notice, dated 17.12.2019 issued by the third respondent is quashed and the third respondent is directed to consider the representations given by the petitioner dated 01.11.2019 and 02.11.2019 and also additional representation dated 19.12.2019 and pass speaking orders on merits in accordance with law, within a period of six weeks from the date of receipt of a copy of this order, and then to proceed in accordance with law.

6.With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (vo)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To

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Thirumangalam,
Madurai District.

+1 CC to SPL.GP (SR-106528[F] dated 30/12/2019)

+1 CC to Mr.A.ANANDARAJ, Advocate (SR-106535[F] dated
31/12/2019)

+1 CC to Mr.A.KANNAN, Advocate (SR-106527[F] dated 30/12/2019)

**W.P (MD) No.27407 of 2019
30.12.2019**

KM/(20.01.2020) 3P 7C