



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.09.2020

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.8267 of 2020

and

W.M.P.(MD)Nos.7663 and 7667 of 2020

WEB COPY

S.Kalaimani

... Petitioner

Vs.

1.The District Collector /Inspector of Village Panchayats,
Collectorate,
Karur District,
Karur.

2.The Block Development Officer (Village Panchayats),
O/o.The Karur Panchayat Union,
Vennaiimalai - 639 007,
Karur Post and District.

3.The President,
Kombupalayam Village Panchayat,
Karur Panchayat Union,
Karur District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records in pursuant to the impugned order passed by the 3rd respondent nil dated and quash the same and consequently direct the respondents to consider the petitioner's representation dated 17.03.2020 and to provide basic amenities ie., Underground drainage and drinking water pipe, within a stipulated time may be fixed by this Court.

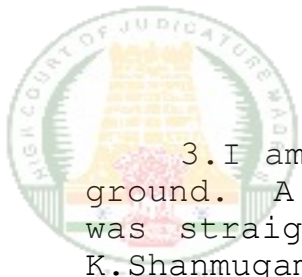
For Petitioner : Mr.M.Saravanakumar

For Respondents : Mrs.S.Srimathy,
Special Government Pleader for R1
Mr.N.Shanmugaselvam,
Addl. Govt. Pleader for R2 & R3

O R D E R

Heard the learned counsel on either side.

2.By the impugned communication dated 17.03.2020, the petitioner has been called upon to remove the alleged road encroachment. The petitioner's counsel states that he had not committed any encroachment as alleged. The learned Additional Government Pleader appearing for the respondents 2 and 3 seeks time to file his counter.



3.I am of the view that the issue can be disposed of on a short ground. A mere look at the impugned communication indicates that it was straightaway issued based on the complaint received from one K.Shanmugam S/o.Kandasamy. The petitioner in his ground (c) had specifically alleged that based on a false complaint without giving any notice to him, the third respondent had straightaway passed the impugned order.

4.The order on the face of it is violative of the principles of natural justice. Therefore, the same is quashed. The matter is remitted to the third respondent to pass orders afresh in accordance with law. The writ petition is allowed on these terms. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

- 1.The District Collector /Inspector of Village Panchayats,
Collectorate,Karur District,Karur.
- 2.The Block Development Officer (Village Panchayats),
O/o.The Karur Panchayat Union,
Vennaimalai - 639 007,Karur Post and District.
- 3.The President,
Kombupalayam Village Panchayat,
Karur Panchayat Union,Karur District.

+1 CC to M/s.M.SARAVANAKUMAR,Advocate(SR-15635[F] dated 02/09/2020)
+1 CC to M/s.GP (SR-15798[F] dated 03/09/2020)

W.P. (MD)No.8267 of 2020

01.09.2020

AP(10/09/2020) 2P 6C

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