



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE **M.M.SUNDRESH**

AND

THE HONOURABLE MRS.JUSTICE **S.ANANTHI**

W.P. (MD) No.239 of 2021

and

W.M.P. (MD) Nos.195 & 196 of 2021

Jebakani

: Petitioner

Vs.

1. The Block Development Officer (Village Panchayat),
Sathankulam Union Office,
Sathankulam Taluk,
Thoothukudi District.

2. The President,
Thiruppani Puththan Tharuvai Village Panchayat,
Thiruppani Puththan Tharuvai,
Sathankulam Taluk,
Thoothukudi District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned notice of the 2nd respondent vide proceedings No.1 dated 10.12.2020 and quash the same as illegal and consequently, directing the respondents not to evict the petitioner from her property in S.F.No.354/20, 21, 23 and 24 situated at Thiruppani Puthantharuvai Village, Sathankulam Taluk, Thoothukudi District, without following the due process of law.

For Petitioner : Mr.T.Vadivelan

For Respondents : Mr.M.Rajarajan

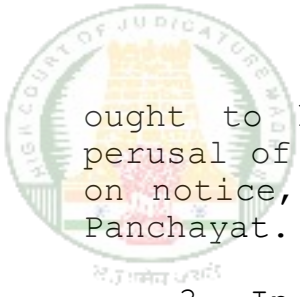
Additional Government Pleader

ORDER

(Order of the Court was made by **M.M.SUNDRESH, J.**)

The petitioner has come forward to challenge the notice of the second respondent dated 10.12.2020, by which, the petitioner was asked to remove the encroached portion, failing which, it was stated that consequential action would follow.

2. The learned Counsel appearing for the petitioner submitted that the impugned order, having civil consequences, the petitioner



ought to have been put on notice before passing such order. A perusal of the order would show that the petitioner has not been put on notice, though reliance has been made on the resolution of the Panchayat.

3. In such view of the matter, we are treating the impugned notice as a show cause notice, for which, the petitioner is permitted to give her reply, if any, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such reply, if any, the second respondent shall consider the same and pass appropriate orders, in accordance with law, within a further period of four weeks thereafter. Till such time, the petitioner's possession shall not be disturbed and the respondents shall maintain *status-quo*, as on date.

4. With the above direction, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

gk

To

1. The Block Development Officer (Village Panchayat),
Sathankulam Union Office,
Sathankulam Taluk,
Thoothukudi District.
2. The President,
Thiruppani Puththan Tharuvai Village Panchayat,
Thiruppani Puththan Tharuvai,
Sathankulam Taluk,
Thoothukudi District.

+1 CC to the SPL GP (SR-812[F] dated 11/01/2021)

W.P. (MD) No.239 of 2021
08.01.2021

ARK(CO)
CS(21.01.2021) 2P 4C