



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.03.2021

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD)Nos.939 of 2021 and 16259 of 2020

and W.M.P. (MD) No.798 and 799 of 2021 in W.P. (MD) No.939 of 2021

W.P. (MD) No.939 of 2021:

A.Karmegam

... Petitioner

Vs.

1.The Secretary to Government,
Housing and Urban Development Department,
St. George Fort,
Chennai.

2.The District Collector,
Ramanathapuram District,
Ramanathapuram.

3.The Executive Officer,
Thondi Town Panchayath,
Thondi,
Ramanathapuram District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Certiorarified Mandamus, calling for the records of the impugned order passed by the 3rd respondent in Na.Ka.No.402/2020 dated 24.12.2020 and to quash the same and further directing the 3rd respondent to receive the housing plan, which was returned on 22.11.2020.

For Petitioner

: Mr.N.Pragalathan

For Respondent Nos.1 & 2

: Mr.R.Murugaraj
Government Advocate

For Respondent No.3

: Mrs.Rajeshwari
Government Advocate

W.P. (MD) No.16259 of 2020:

Chandran

... Petitioner

Vs.

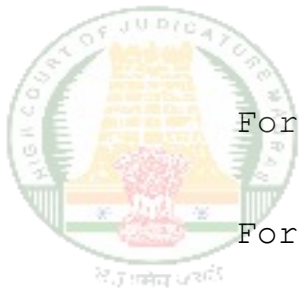


- 1.The Secretary to Government,
(Rural Department & Panchayat Raj Department),
Chief Minister Cell,
St. George Fort,
Chennai - 600 009.
- 2.The District Collector,
Collectorate, Ramanathapuram,
Ramanathapuram District.
- 3.The Director/Commissionerate,
Municipalities and Panchayat Administration,
11th Floor, Urban Administrative Building,
(Opp. CIBA Building),
No.75, Santhome High Road,
MRC Nagar,
Raja Annamalaipuram,
Chennai - 600 028.
- 4.The Assistant Director,
Administration of Town Panchayat & Union Offices,
Sivagangai,
Sivagangai District.
- 5.The Tahsildar,
Taluk Office,
Thiruvadanai Taluk,
Ramanathapuram District.
- 6.The Executive Officer,
Thondi Town Panchayat Office,
Thondi,
Ramanathapuram District.
- 7.Karmegam ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Mandamus, directing the Respondents 2 to 6 herein to remove the illegal encroachment and unauthorized construction made by the 7th Respondent in GR Survey No.72/113 belong to petitioner and in Survey No.72/980 at Bay of Bengal sea shore area situated at Thondi, Thiruvadanai Taluk, Ramanathapuram District, based on the Petitioner representation dated 03.11.2020 and 02.10.2020 respectively within a stipulated time fixed by this Hon'ble Court.

For Petitioner

: Mr.S.Muthukumar



For Respondent Nos.1 to 6 : Mr.R.Murugaraj
Government Advocate

For Respondent No.7 : Mr.N.Pragalathan

* * * * *

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COMMON ORDER

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

Since the issue raised in these Writ Petitions are one and the same, they are disposed of by this common order.

2.W.P.(MD) No.16259 of 2020 has been filed to direct respondents 2 to 6 therein to remove the illegal construction put by the petitioner in W.P.(MD) No.939 of 2021. W.P.(MD) No.939 of 2021 has been filed, challenging the impugned order passed by the third respondent, by which, the petitioner was asked to remove the encroachment, .

3.A perusal of the impugned proceedings in W.P.(MD) No.939 of 2021 shows that show cause notice was not issued to the petitioner before asking him to remove the encroachment. Hence, we treat the impugned order as a show cause notice and the petitioner is directed to submit his reply within four weeks from the date of receipt of a copy of this order. On receipt of the same, the third respondent in W.P.(MD) No.939 of 2021 is directed to consider the same and after affording an opportunity of personal hearing to the petitioner in these Writ Petitions, shall pass appropriate orders on merits and in accordance with law within a period of six weeks from the date of receipt of the reply. Till such time, the status quo as on today shall be maintained.

4.The Writ Petitions are disposed of with the above directions. Consequently, connected Miscellaneous Petitions in W.P.(MD) No.939 of 2021 are closed. No costs.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sj

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.

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



To

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Housing and Urban Development Department,
St. George Fort,
Chennai.
- 2.The Secretary to Government,
(Rural Department & Panchayat Raj Department),
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- 7.The Executive Officer,
Thondi Town Panchayath,
Thondi,
Ramanathapuram District.

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-13660[F] dated
25/03/2021)

+1 CC to M/s.SPL GP (SR-13904[F] dated 26/03/2021)

W.P. (MD) Nos.939 of 2021 and 16259 of 2020
25.03.2021

SGS (CO)
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