



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.08.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.(MD) No.2439 of 2020

and

WMP (MD) Nos.2081 and 2083 of 2020

Muruganantham

... Petitioner

vs.

- 1)The District Collector,
Pudukkottai.
- 2)The Revenue Divisional Officer,
Pudukkottai.
- 3)The Tahsildar,
Thirumayam Taluk,
Pudukkottai District.
- 4)The Block Development Officer,
(Village Panchayats),
Thirumayam Panchayat Union,
Pudukkottai District.
- 5)The Executive Officer,
Thirumayam Panchayat,
Pudukkottai District.
- 6)The President,
Thirumayam Panchayat,
Pudukkottai District.
- 7)The Deputy Superintendent of Police,
Ponnamaravathi,
Pudukkottai District.
- 8)The Inspector of Police,
Thirumayam Police Station,
Pudukkottai District.
- 9)K.Soundaram

... Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned notice dated 05.12.2019 in Na.Ka.Thi2/3430/2018 issued by the fourth respondent and quash the same and consequently to forbear the respondent from claiming any right, interest or title over the Natham site in Old Survey No.588/1, New Natham Survey No.948/4 and 948/3 measuring about 9 cents Thirumayam Village, Thirumayam Taluk, Pudukkottai District.

For Petitioner

: Mr.J.Barathan

For R1 to R8

: Mr.B.Saravanan



For R9

Government Advocate
: No appearance

ORDER

[Order of the Court was made by ***The Hon'ble Chief Justice***]

The short ground which is taken by the writ petitioner to assail an order dated December 05, 2019 seeking the petitioner's removal from a piece of land on the ground that the petitioner is an encroacher, is the complete lack of reasons in the impugned order and the failure by the relevant authority to consider the detailed explanation furnished by the petitioner in earlier correspondence.

2.Indeed, by an order dated September 19, 2019, passed in W.P (MD)Nos.12216 and 19131 of 2019, this Court required the Block Development Officer to consider all aspects indicated in the petitioner's previous reply of May 16, 2019, including that the Block Development Officer had no authority in the matter. However, nothing appears to have been taken into consideration by the Block Development Officer while passing the order impugned.

3.The order dated December 05, 2019 is set aside. The concerned Block Development Officer will give the petitioner an opportunity of hearing and will deal with the contentions of the petitioner while the petitioner asserts title to the property in question. It is only a reasoned decision of the relevant Block Development Officer which may be given effect to by the State.

4.W.P(MD)No.2439 of 2020 is disposed of in the hope that the entire exercise will be completed within next two months upon a reasonable opportunity of hearing being afforded to the petitioner herein.

5.There will be no order as to costs. WMP(MD)Nos.2081 and 2083 of 2020 are closed.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

- 1)The District Collector,
Pudukkottai.
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Pudukkottai.



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8)The Inspector of Police,
Thirumayam Police Station,
Pudukkottai District.

+1 CC to M/s.SPL GP (SR-27029[F] dated 24/08/2021)

+1 CC to M/s.T.R.JEYABALAN, Advocate (SR-27115[F] dated
24/08/2021)

W.P (MD)No.2439 of 2020
DATED : 23.08.2021

DJ(CO)
KB(01.09.2021) 3P 11C