



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.05.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH
AND
THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.[MD]No.9392 of 2021 and
W.M.P.[MD]Nos.7101 and 7102 of 2021

J.Maheswaran

... Petitioner

Vs.

- 1.The District Collector,
Trichy District, Trichy.
- 2.The Revenue Divisional Officer,
Musiri, Trichy District.
3. The Tahsildar,
Musiri Taluk, Trichy District.
4. The Revenue Inspector,
Pulivalam Region,
Musiri Taluk, Trichy District.
5. The Village Administrative Officer,
Manparai Village, Musiri Taluk,
Trichy District.

6. K.Palaniyappan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records relating to the impugned eviction notice dated 23.04.2021 issued by the 3rd respondent and quash the same as illegal.

For Petitioner : Mr.N.Mohan
For Respondents : Mrs.Rajeshwari,
(R1 to R5) Government Advocate

O R D E R

[Order of the Court was made by **M.S.RAMESH, J.**]

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself. In view of the order we proposed to pass in this writ petition, notice to the 6th respondent is dispensed with.



2.Heard Mr.N.Mohan, learned Counsel appearing for the petitioner and Mrs.Rajeshwari, learned Government Advocate appearing for the respondents 1 to 5.

3.The impugned eviction notice is in the form of a show-cause notice, calling upon the petitioner to give his explanation on or before 23.05.2021.

4.It is a settled proposition of law that the Writ Court, while exercising its powers under Article 226 of the Constitution of India, will not normally interfere with the show-cause notice, but for very few exceptions.

5.The grounds raised by the petitioner touching upon the facts of the case justify that he is a lawful owner of the property in Survey No.210/5B, Manparai Village, Musiri Taluk, Trichy District and that the proposed eviction notice is not maintainable.

6.This Court is of the view that if at all the petitioner claims to be the lawful owner of the subject property comprised in Survey No.210/5B of Manparai Village, Musiri Taluk, Trichy District, measuring an extent of 0.27.0 Hectares, it is always open to him to establish the same before the concerned authority and this Court may not be justified in interfering with the dispute of such nature of claims. Nevertheless, if the petitioner herein is granted liberty to give a reply to the impugned notice within a stipulated time, the ends of justice could be secured.

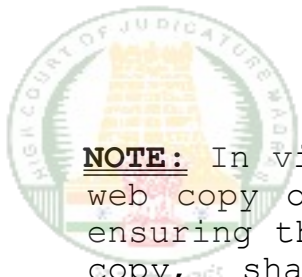
7. In the light of the above observation, the petitioner is granted liberty to give his reply to the impugned notice dated 23.04.2021, together with all the documents on which he placed reliance to establish his case, on or before 23.05.2021. Till a final decision is taken in the matter and the petitioner's reply is considered, no coercive action shall be taken against the petitioner in connection with the land in Survey No.210/5B, Manparai Village, Musiri Taluk, Trichy District.

8. This Writ Petition stands disposed of, accordingly. However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(AD-II)

//True copy//

/ /2021
Sub Assistant Registrar



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.

WEB COPY

To

- 1.The District Collector,
Trichy District,
Trichy.
- 2.The Revenue Divisional Officer,
Musiri, Trichy District.
3. The Tahsildar,
Musiri Taluk,
Trichy District.
4. The Revenue Inspector,
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Musiri Taluk,
Trichy District.
5. The Village Administrative Officer,
Manparai Village,
Musiri Taluk,
Trichy District.

+1CC to THE SPECIAL GOVERNMENT PLEADER(SR-18511[F] dated 07/05/2021)

Order made in
W.P.[MD]No.9392 of 2021 and
W.M.P.[MD]Nos.7101 and 7102 of 2021
06.05.2021

NSM(CO)
SRS/02.06.2021/3P/7C