



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2021

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD) No.8952 of 2021
and
WMP (MD) .No.6752 of 2021

P.Anbilrajan .. Petitioner

Vs

1. The District Collector,
Dindigul Collectorate,
Dindigul District.
2. The Revenue Divisional Officer,
Revenue Divisional Office,
Dindigul.
3. The Tahsildar,
Taluk Office,
Nilakottai, Dindigul District.
4. The Block Development Officer,
Village Panchayat,
Nilakottai Panchayat Union,
Nilakottai, Dindigul District.

5. M.Ashokmani ... Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Certiorari, calling for the records pertaining to the order passed in Na.Ka.No.5219/2020/thi.4, dated 19.04.2021 of the fourth respondent and quash the same.

For Petitioner : Mr.T.S.Mohamed Mohideen

For respondents : Mr.A.Karthik,
Government Advocate
for R1 to R3

Mr.Mari Chelliah Prabhu
Additional Government Pleader
for R4



ORDER

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

WEB COPY We have heard Mr.T.S.Mohammed Mohideen, learned Counsel appearing for the writ petitioner, Mr.A.Karthik, learned Government Advocate, appearing for the respondents 1 to 3 and Mr.Mari Chelliah Prabhu, learned Additional Government Pleader, appearing for the fourth respondent.

2. The writ petitioner is aggrieved by a communication dated 19.04.2021, sent by the Block Development Officer 4th respondent to the Tahsildar, Nilakottai-3rd respondent herein, directing that the petitioner should be evicted from the place where he has encroached, fixing the date of eviction as 13.05.2021.

3. The learned Counsel appearing for the petitioner would submit that the impugned action has been initiated pursuant to a direction issued in a public interest litigation in W.P(MD).No.13303 of 2020, and the petitioner had filed counter affidavit in the said writ petition stating that in respect of S.No.595/53 and 595/54, patta has been issued to his grand father in Patta No.19/03 and the petitioner and his 'pangaalis' are in peaceful possession and enjoyment of the area, the petitioner is renovating his house, the house has been assessed house tax and there is an electricity connection etc., Further it was stated that the space left by the petitioner for their use cannot be stated as a public pathway.

4. As rightly pointed out by Mr.Mari Chelliah Prabhu, learned Counsel for the fourth respondent, the impugned communication is only an internal communication. Nevertheless, since a copy has been marked to the petitioner, he is aggrieved especially when a specific date has been fixed for evicting the petitioner. Therefore, the fourth respondent has to proceed in accordance with law in terms of the directions issued in W.P(MD).No.13303 of 2020, dated 18.02.2021.

5. The learned Counsel appearing for the fourth respondent, on instructions, submitted that the fourth respondent will proceed only in accordance with law and he will not have any apprehension.

6. in the light of the above, the petitioner is directed to treat the impugned communication as a show-cause notice and submit his objection to the impugned communication along with supportive documents within a period of 15 days from the date of receipt of a copy of this order. Thereafter, the fourth respondent shall conduct an enquiry, examine the documents and thereafter, proceed to pass orders on merits and in accordance with law, in terms of the directions issued by this Court in the earlier writ petition. It is



needless to say till then, no action for eviction of the petitioner should be initiated. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

WEB COPY

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pkn

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,
Dindigul Collectorate,
Dindigul District.
2. The Revenue Divisional Officer,
Revenue Divisional Office,
Dindigul.
3. The Tahsildar,
Taluk Office,
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4. The Block Development Officer,
Village Panchayat,
Nilakottai Panchayat Union,
Nilakottai, Dindigul District.

+1 CC to M/s.SPL GP (SR-18284[F] dated 30/04/2021)

W.P. (MD) No.8952 of 2021

29.04.2021

RK(12.05.2021) 3P 6C