



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.08.2021

CORAM:

**THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and
THE HONOURABLE MR.JUSTICE M.DURAI SWAMY**

W.P. (MD)No.13751 of 2021

and

W.M.P. (MD)Nos.10690 and 10692 of 2021

M.Murugan

... Petitioner

Vs.

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Revenue Divisional Officer,
O/o the Revenue Divisional Office,
Paramakudi,
Ramanathapuram District.

3.The Tahsildar,
O/o Tahsildar,
Kadaladi,
Ramanathapuram District.

4.The Executive Officer,
Sayalkudi Town Panchayat,
Kadaladi Taluk,
Ramanathapuram District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for records pertaining to impugned order in Na.Ka.No 153/2021, on the file of the fourth Respondent, dated 12.07.2021 and quash the same as illegal and consequently direct the Respondents to provide patta to the Petitioner in Survey No. 459/1 in an extent of 2 cents or any other alternative place at Anna Nagar, Sayalkudi, Kadaladi Taluk, Ramanathapuram District within the time stipulated by this Court.

For Petitioner : Mr.T.Thirumurugan

For Respondents : Mr.B.Saravanan
Government Advocate



ORDER

(Order of the Court was made by **N.KIRUBAKARAN, J.**)

The petitioner has filed this writ petition, challenging the order dated 12.07.2021 passed by the fourth respondent, giving 30 days time to the petitioner to remove the alleged encroachment made by him in Survey No.459/1, to an extent of 122 sq.meters in a waterbody situated in Anna Nagar, Sayalkudi, Kadaladi Taluk, Ramanathapuram District.

2. Heard Mr.T.Thirumurugan, learned Counsel for the petitioner and Mr.B.Saravanan, learned Government Advocate, who takes notice for the respondents and perused the materials placed on record.

3. A perusal of the record would show that the petitioner has not been issued show cause notice before the issuance of the impugned order. Therefore, this Court directs the petitioner to treat this impugned order dated 12.07.2021 issued by the fourth respondent as show cause notice and issue reply within a period of two weeks from the date of receipt of a copy of this order. On receipt of such reply from the petitioner, the fourth respondent is directed to give an opportunity of hearing to the petitioner and pass a reasoned order, within a period of six weeks thereafter. Till the order is passed by the fourth respondent after hearing the petitioner, the petitioner's possession shall not be disturbed.

5. With the above observations, the Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

SSL

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

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presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

- 1.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 2.The Revenue Divisional Officer,
O/o the Revenue Divisional Office,
Paramakudi, Ramanathapuram District.
- 3.The Tahsildar,
O/o Tahsildar,
Kadaladi,
Ramanathapuram District.
- 4.The Executive Officer,
Sayalkudi Town Panchayat,
Kadaladi Taluk,
Ramanathapuram District.

+1 CC to M/s.T.THIRUMURUGAN, Advocate (SR-25758[F] dated 10/08/2021)

+1 CC to M/s.GP (SR-25870[F] dated 11/08/2021)

**W.P. (MD) No.13751 of 2021
10.08.2021**

GS (18.08.2021) 3P 7C