



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.15773 of 2021

and

W.M.P. (MD) .No.12711 of 2021

WEB COPY

Jebaraj

... Petitioner

Vs.

1.The District Collector,
Thoothukudi District, Thoothukudi.

2.The Block Development Officer,
Alwarthirunagari Union Office,
Thenthiruperai, Thoothukudi District.

3.The President,
Mookuperi Panchayat,
Eral Taluk, Thoothukudi District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned notice issued by the third respondent herein in his proceedings in Na.Ka.No.12/2021-2022 dated 24.08.2021 and quash the same as illegal and consequently direct the respondents to consider the petitioner's representation dated 28.08.2021 by continuing the possession and enjoyment of the petitioner in the land comprised in Survey No.191, situated at Mookuperi, Eral Taluk, Thoothukudi District.

For Petitioner : Mr.S.Mandhirilingeswaran

For R-1 : Mr.P.Subbaraj,
Counsel for State.

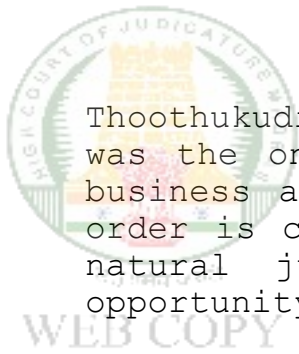
For R-2 : Mr.A.Baskaran

For R-3 : Mr.M.P.Senthil

ORDER

The petitioner challenges a notice dated 24.08.2021 from the third respondent by which he was called upon to vacate his shop within fifteen days from the date of receipt of notice and hand over possession thereof to the third respondent.

2. The petitioner states that his father had set up a firewood business in Survey No.191, Mookuperi Village, Eral Taluk,



Thoothukudi District in the year 1980. Ever since, the said shop was the only source of livelihood. The petitioner took over the business after his father's death in the year 2019. The impugned order is challenged primarily on the ground that the principles of natural justice were violated by not providing a reasonable opportunity to the petitioner.

3. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of the first respondent, Mr.A.Baskaran, learned Standing Counsel, accepts notice on behalf of the second respondent and Mr.M.P.Senthil, learned Standing Counsel, accepts notice on behalf of the third respondent. Mr.M.P.Senthil submits that the petitioner would be provided an opportunity to show cause against the impugned order before any action is taken.

4. Accordingly, without going into the merits of the matter, the petitioner is permitted to provide an explanation or show cause against the impugned order dated 24.08.2021 by treating the same as a show cause notice. Such reply should be submitted within a period of fifteen (15) days from the date of receipt of a copy of this order. Upon receipt thereof, the third respondent herein is directed to consider such reply and pass a reasoned order within a period of thirty (30) days from the date of receipt of such reply. In case the petitioner intends to submit any documents in support of his explanation, the petitioner is permitted to do so along with such explanation.

5. W.P.(MD).No.15773 of 2021 is disposed of on these terms without any order as to costs. Consequently, connected W.M.P.(MD).No.12711 of 2021 stands closed.

Sd/-

Assistant Registrar (P&A)

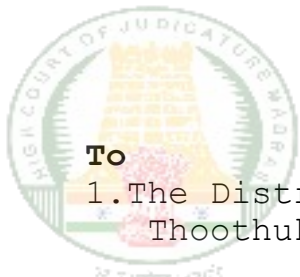
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/ /2021

Sub Assistant Registrar(CS)

tsg

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,
Thoothukudi District, Thoothukudi.

2.The Block Development Officer,
Alwarthirunagari Union Office,
Thenthiruperai, Thoothukudi District.

3.The President,
Mookuperi Panchayat,
Eral Taluk, Thoothukudi District.

+1 CC to M/s.A. BASKARAN, Advocate (SR-28377[F] dated 07/09/2021)

+1 CC to M/s.M.P.SENTHIL, Advocate (SR-28276[F] dated 06/09/2021)

**W.P (MD) No.15773 of 2021
06.09.2021**

RK (20.09.2021) 3P 6C