



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)NO.16063 OF 2021

and

W.M.P(MD)No.12933 of 2021

Lingam

:Petitioner

.vs.

1.The District Collector,
Madurai District, Madurai.

2.The Tahsildar,
Taluk Office,
Madurai North Taluk,
Madurai District.

3.The Block Development Officer,
Madurai West Panchayat Union,
Madurai West, Madurai District.

4.The President,
Pothumbu Panchayat,
Madurai West Union,
Pothumbu, Madurai 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 fourth respondent, dated 23.7.2021, based on the letter issued by the second respondent in Na.Ka.No.2718/2021/Aa5, dated 19.7.2021 and to quash the same as illegal and consequently to direct the respondents to consider the Petitioner's representation, dated 7.8.2021 by continuing the possession and enjoyment of the Petitioner in the land comprised in UDR Survey No.1/9, in which Pt No.10, to an extent of 886 sq.ft situated at Rengarajapuram, Pothumbu Village, Madurai District.

For Petitioner : Mr.S.Vikram

For Respondents : Mr.P.Thilakkumar
Govt.Pleader

O R D E R

[Order of the Court was made by **M.DURAI SWAMY., J.**]

The Petitioner has filed the above Writ Petition to issue a Writ of Certiorarified Mandamus calling for the records of the



impugned notice issued by the fourth respondent, dated 23.7.2021, based on the letter issued by the second respondent, dated 19.7.2021 and to quash the same and consequently to direct the respondents to consider the Petitioner's representation, dated 7.8.2021 by considering the possession and enjoyment of the Petitioner in the land comprised in UDR Survey No.1/9, in which Plot No.10, to an extent of 886 sq.ft situated at Rengarajapuram, Pothumbu Village, Madurai District.

2.The Petitioner is challenging the so-called notice/order, dated 23.7.2021 passed by the fourth respondent. On a perusal of the impugned notice, dated 23.7.2021, it appears to be a private letter sent to the Petitioner by one Shanthi, President, Pothumbu Panchayat, Madurai District. In the said order, she has called upon the Petitioner to remove the encroachment on or before 2.8.2021 and also cautioned him in the event of Petitioner failing to remove the encroachment, the Panchayat would remove the encroachment.

3.The learned counsel for the Petitioner submitted that no opportunity was given by any of the respondents before issuing the impugned notice, dated 23.7.2021. We are at loss to understand the jurisdiction of the fourth respondent in issuing the impugned notice, dated 23.7.2021. The fourth respondent has not stated anything as to under which Act and provision, the notice is being sent to the Petitioner. Except stating that the encroachment would be removed on or before 2.8.2021, nothing has been stated in the notice.

4.In these circumstances, the impugned notice, dated 23.7.2021 is liable to be set aside. Accordingly, the same is set aside. The matter is remitted back to the third respondent to pass appropriate orders in accordance with law, after giving notice to the Petitioner.

5.With these observations, the Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

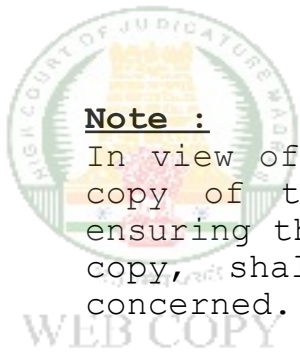
Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsn



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,
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Madurai.
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Madurai District.
- 3.The Block Development Officer,
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Madurai West,
Madurai District.
- 4.The President,
Pothumbu Panchayat,
Madurai West Union,
Pothumbu,
Madurai District.

+1 CC to M/s.SPL GP (SR-28716[F] dated 09/09/2021)

ORDER MADE IN
W.P (MD) NO.16063 OF 2021
and
W.M.P (MD) No.12933 of 2021
08.09.2021

GC (21.09.2021) 3P 6C