



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.09.2021

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE M.DURAISWAMY
AND
THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR**

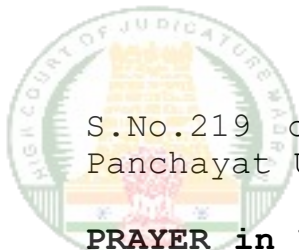
**W.P(MD)NOS.16414, 16419, 16422 and 16424 of 2021
and
W.M.P(MD)No.13280,13282, 13284 and 13286 of 2021**

- 1.A.Krishnamoorthy :Petitioner in W.P(MD)No.16414 of 2021
2.K.Nagaraj :Petitioner in W.P(MD)No.16419 of 2021
3.C.Manoharan :Petitioner in W.P(MD)No.16422 of 2021
4.N.Subiramani :Petitioner in W.P(MD)No.16424 of 2021

.vs.

- 1.The President,
Punnapatti Panchayat,
Natham Panchayat Union,
Dindigul District.
2.The Block Development Officer,
Natham Panchayat Union,
Dindigul District.
3.The Tahsildar,
Tahsildar Office Buildings,
Natham.
4.The District Collector,
Collectorate Buildings,
Dindigul District. : Respondents in all W.Ps.

PRAYER in W.P(MD)Nos.16414, 16419 and 16422 of 2021: 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 pertaining to the impugned order of the notice issued by the first respondent under Section 133 of the Tamil Nadu Panchayath Act, 1994, dated 31.08.2021 and to quash the same and consequently to issue a direction to forbear the respondents from dispossessing the Petitioner from the said property and subsequently to direct not to dismantle the residential building built with Door No.4/12-A in



S.No.219 of Veerappa Naickenpatti, Punnapatti Panchayath, Natham Panchayat Union, Natham Taluk, Dindigul District.

PRAYER in W.P(MD)No16424 OF 2021: 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 pertaining to the impugned order of the notice issued by the first respondent under Section 133 of the Tamil Nadu Panchayath Act, 1994, dated 31.08.2021 and to quash the same and consequently to issue a direction to forbear the respondents from dispossessing the Petitioner from the said property and subsequently to direct not to dismantle the residential building built with Door No.4/39 in S.No.219 of Veerappa Naickenpatti, Punnapatti Panchayath, Natham Panchayat Union, Natham Taluk, Dindigul District.

For Petitioner	:Mr.B.A.Muruganantham
in all W.Ps'	
For Respondents	:Mr.B.Saravanan
in all W.Ps'	Govt.Advocate.

COMMON ORDER

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

The Petitioners have filed these Writ Petitions to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order of the notice issued by the first respondent under Section 133 of the Tamil Nadu Panchayath Act, 1994, dated 31.08.2021 and to quash the same and consequently to issue a direction to forbear the respondents from dispossessing the Petitioner from the said property and subsequently to direct not to dismantle the residential building in the said lands.

2.By the impugned notice, dated 31.08.2021, the Petitioners were called upon to evict and hand over the possession of the land in dispute within seven days time. According to the Petitioners, they were not issued with any show-cause notice prior to the issuance of the impugned orders, which is violative of the principles of natural justice.

3.Mr.B.Saravanan, learned Government Advocate taking notice for the respondents, submitted that the impugned orders dated 31.8.2021 may be treated as a show-cause notice and the Petitioners may be directed to give their explanations within seven days and thereafter, the first respondent would pass final orders in the matter.

4.Mr.B.A.Muruganantham, learned counsel appearing for the Petitioners agree for the proposal given by the learned Government

<https://hcservices.ecourts.gov.in/hcservices/>



Advocate and submitted that the Petitioners would give their explanation within seven days time.

5. Having regard to the submissions made by the learned counsel appearing on either side, the Petitioners are directed to treat the impugned orders, dated 31.8.2021 passed by the first respondent as a show-cause notice and give their explanation to the same within seven days from the date of receipt of a copy of this order and on receipt of the same, the first respondent shall pass orders on merits and in accordance with law, as expeditiously as possible.

6. With these observations, the Writ Petitions stand disposed of. No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// 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 President,
Punnapatti Panchayat,
Natham Panchayat Union,
Dindigul District.
2. The Block Development Officer,
Natham Panchayat Union,
Dindigul District.
3. The Tahsildar,
Tahsildar Office Buildings,
Natham.
4. The District Collector,
Collectorate Buildings,
Dindigul District.



+1 CC to M/s.SPL. GP (SR-29109[F],29106,29107,29108 dated 15/09/2021)

+4 CC to M/s.B.A.MURUGANANTHAM, Advocate (SR-29210[F], 29209,29208,29207 dated 15/09/2021)

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and

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SJ(CO)

KB(22.09.2021) 4P 10C