



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)Nos.16411 & 16474 of 2021

and

W.M.P(MD) Nos.13275 & 13351 of 2021

1.W.P(MD)No.16411 of 2021:-

K.Chinnaiya

... Petitioner

Vs.

- 1.The President,
Punnappatti Panchayat,
Natham Panchayat Union,
Dindigul District.
- 2.The Block Development Officer,
Natham Panchayath Union,
Dindigul District.
- 3.The Tahsildar,
Tahsildar Office Buildings,
Natham.
- 4.The District Collector,
Collectorate Buildings, Thadikombu,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, 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 Tamilnadu Panchayath Act 1994 dated 31.08.2021 and quash the same as illegal and consequently direct to forbear the respondents from dispossessing the petitioner from the said property and subsequently direct not to dismantle the residential building built with Door No.4/37 in S.No.219 of Veerappa Naickenpatti, Punnappatti Panchayath, Natham Panchayath Union, Natham Taluk, Dindigul District.



For Petitioner : Mr.B.A.Muruganantham
For Respondents : Mr.B.Saravanan
Government Advocate

2.W.P(MD)No.16474 of 2021:-

M.Kathirvel ... Petitioner
Vs.

1.The President,
Punnapatti Panchayat,
Natham Panchayat Union,
Dindigul District.

2.The Block Development Officer,
Natham Panchayath Union,
Dindigul District.

3.The Tahsildar,
Tahsildar Office Buildings,
Natham.

4.The District Collector,
Collectorate Buildings, Thadikombu,
Dindigul District.

... Respondents

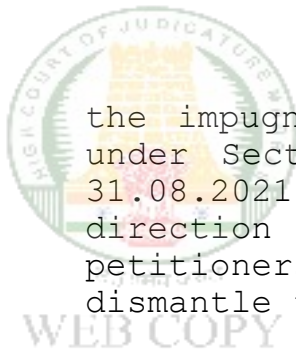
PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order of the notice issued by the first respondent under Section 133 of the Tamilnadu Panchayath Act 1994 dated 31.08.2021 and quash the same as illegal and consequently direct to forbear the respondents from dispossessing the petitioner from the said property and subsequently direct not to dismantle the residential building built with Door No.4/36-B in S.No.219 of Veerappa Naickenpatti, Punnapatti Panchayath, Natham Panchayath Union, Natham Taluk, Dindigul District.

For Petitioner : Mr.B.A.Muruganantham
For Respondents : Mr.B.Saravanan
Government Advocate

COMMON ORDER

(Order of the Court was made by **M.DURAISWAMY, J.**)

The Petitioners have filed these Writ Petitions to issue Writs of Certiorarified Mandamus, to call for the records pertaining to
<https://hcservices.ecourts.gov.in/hcservices/>



the impugned order of the notices 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 petitioners from the said property and subsequently to direct not to dismantle the residential building in the said lands.

2.By the impugned notices, 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 31.08.2021 may be treated as show-cause notices and the petitioners may be directed to give their explanations within seven days and thereafter, the first respondent would pass final orders in the matters.

3.Mr.B.A.Muruganantham, learned counsel appearing for the petitioners agree for the proposal given by the learned Government Advocate and submitted that the petitioners would give their explanation within seven days time.

4.Having regard to the submissions made by the learned counsel appearing on either side, the petitioners are directed to treat the impugned orders, dated 31.08.2021 passed by the first respondent as show-cause notices 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.

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

Sd/-

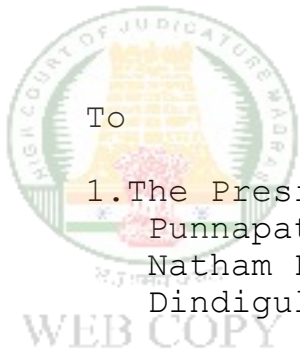
Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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 Panchayath Union,
Dindigul District.
- 3.The Tahsildar,
Tahsildar Office Buildings,
Natham.
- 4.The District Collector,
Collectorate Buildings, Thadikombu,
Dindigul District.

+1 cc to Spl.Govt.Pleader , SR.No.29095,29105

+2 cc to Mr.B.A.Muruganantham, Advocate, SR.No.29205,29206

W.P(MD)Nos.16411 & 16474 of 2021
and
W.M.P(MD) Nos.13275 & 13351 of 2021
Dated: 14.09.2021

SA (15.09.2021) 4P 8C