



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.04.2021

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD)No.19861 of 2020
and W.M.P. (MD) No.16544 of 2020

Navaneetha narayanan

... Petitioner

Vs.

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The Sub-Collector,
Cheranmahadevi Sub-Collector Office,
Cheranmahadevi,
Tirunelveli District.
- 3.The Tahsildar,
Taluk Office,
Ambasamudram,
Tirunelveli District.
- 4.The Executive Officer,
Special Grade Town Panchayat,
Kallidaikurichi - 627 416.
Tirunelveli District.
- 5.Mathavan S/o. Late Paulraj
(R5 impleaded vide order of Court
made in W.M.P.(MD) No.1567 of
2021 dated 21.04.2021)

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, calling for the records pertaining to the Impugned Notice in Na.Ka.No.108/2020, dated 11.12.2020 issued by the 4th Respondent and quash the same as illegal.

For Petitioner : Mr.A.Sankararamasubramanian

For Respondent Nos.1 to 3 : Mr.N.Shanmugaselvam
Additional Government Pleader

For Respondent No.4 : Mr.A.Thiyagarajan
Standing Counsel

For Respondent No.5 : Mr.D.S.Haroon Rasheed

* * * * *



ORDER

(Order of the Court was made by T. S. SIVAGNANAM, J.)

The writ petition has been filed, challenging the Show Cause Notice issued by the fourth respondent in Na.Ka.No.108/2020, dated 11.12.2020.

2. Several grounds have raised by the petitioner, including the one that a decree in favour of the petitioner, passed by the Civil Court. When the Writ Petition was entertained on 05.01.2021, an order of *status quo* was granted. The fifth respondent contends that the fence has been recently erected.

3. In our considered view, this disputed question of facts cannot be adjudicated in the Writ Petition, challenging the show cause notice. Therefore, we direct the petitioner to submit his explanation along with all documents on or before 17.05.2021. On receipt of the same, the fourth respondent shall conduct an enquiry and if necessary, spot inspection has to be conducted. Thereafter, pass appropriate orders on merits and in accordance with law within a period of three weeks therefrom. Till then, the status quo order dated 05.01.2021 shall continue.

4. The Writ Petition is disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sj

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,
Tirunelveli District,
Tirunelveli.

2. The Sub-Collector,
Cheranmahadevi Sub-Collector Office,
Cheranmahadevi,
Tirunelveli District.

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



3.The Tahsildar,
Taluk Office,
Ambasamudram,
Tirunelveli District.

4.The Executive Officer,
Special Grade Town Panchayat,
Kallidaikurichi - 627 416.
Tirunelveli District.

+1 CC to M/s.SPL GP (SR-17172[F] dated 22/04/2021)

W.P. (MD) No.19861 of 2020
21.04.2021

RK(24.05.2021) 3P 6C