



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.05.2022

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

and

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P. (MD) No.9301 of 2022

and

W.M.P. (MD) No.6672 of 2022

S.Sundarajan

... Petitioner

-vs-

1.The Executive Officer,
Nanguneri Panchayat,
Tirunelveli District.

2.G.S.Jeyakumar

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari to call for the records on the file of the 1st respondent in connection with the impugned eviction notice issued by him vide his proceedings in Na.Ka.No. 58/2021 dated 26.04.2022 and quash the same as illegal and arbitrary.

For Petitioner : Mr.G.Thalaimutharasu

For Respondents : Mr.J.K.Jayaseelan

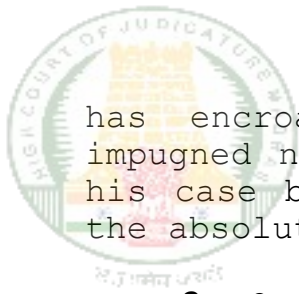
Government Advocate - For R1

O R D E R

[Order of the Court was made by T.RAJA, J.]

S.Sundarajan, claiming to be the absolute owner of a house site property comprised in Survey No.24/1 of Melaputhaneri Village, Nanguneri Taluk, Tirunelveli District, measuring an extent of 1474.68 sq.ft., by virtue of a registered sale deed dated 21.09.1992, registered as Document No.673/1992 on the file of the Sub-Registrar Office at Nanguneri, purchased from one Sivalinga Nadar, son of Subbaiah Nadar, has come to this Court challenging the impugned eviction notice dated 26.04.2022, issued by the first respondent.

2. The learned counsel for the petitioner would submit that the petitioner has constructed a house and residing in the subject property since 2000 without any hindrance. All of a sudden, the eviction notice was issued with the impugned notice stating that he



has encroached the Government poramboke land. Moreover, the impugned notice does not give any time to the petitioner to place his case by producing any documentary evidence to show that he is the absolute owner of the subject property.

3. On perusing the impugned notice, we find that the impugned notice calls upon the petitioner to vacate and handover the subject property. Therefore, the impugned notice is treated as a show cause notice and the petitioner is given two weeks time from the date of receipt of a copy of this order to give his explanation to the first respondent with all supporting documents and thereafter, it is for the first respondent to consider the case of the petitioner and pass orders on merits and in accordance with law within a period of four weeks thereafter. Till then *status quo* prevailing as on date shall be maintained.

4. With the above observations, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Vacation Officer ()

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

krk / abr

To:

The Executive Officer,
Nanguneri Panchayat,
Tirunelveli District.

+1 CC to M/s.G.THALAIMUTHARASU, Advocate (SR-23473[F] dated
06/05/2022)

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and

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SJ(CO)

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