



WEB COPY

W.P(MD) No.10656 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.06.2022

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P. (MD) No.10656 of 2022

and

W.M.P. (MD) No.7731 of 2022

O.Jayaraj

... Petitioner

-vs-

1. The District Collector,
Collectorate Building,
Theni District.
2. The Revenue Divisional Officer,
Revenue Divisional Office,
Uthamapalayam,
Theni District.
3. The Tahsildar,
Uthamapalayam Taluk Office,
Uthamapalayam,
Theni District.
4. The Block Development Officer,
Panchayat Union Office,
Cumbum,
Theni District.
5. The Panchayat President,
Narayanathevan Patti Panchayat,
Uthamapalayam Taluk,
Theni District.

... Respondents

PRAYER : Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Certiorari, calling for the records pertaining to the impugned undated eviction notice issued by the fifth respondent in respect of Grama Natham land in Survey No.902 measuring to an extent of 02.75 Hectares, situated at Narayanathevan Patti Village, Uthamapalayam Taluk, Theni District and quash the same.

For Petitioner : Ms.K.Vidya

For Respondents : Mr.A.Baskaran

Additional Govt. Pleader for R1 to R3

Mr.K.Balasubramani

Special Government Pleader for R4 & R5



O R D E R

[Order of the Court was made by Dr.G.JAYACHANDRAN, J.]

The writ petition is filed seeking certiorari to quash the impugned order issued by the fifth respondent directing the petitioner herein to remove the encroachment in the Grama Natham land in Survey No.902, measuring to an extent of 02.75 Hectares at Narayanathevan Patti Village, Uthamapalayam Taluk, Theni District.

2. The petitioner herein states that for the past 40 years is being in the occupation of the subject land and had cultivated more than 20 coconut trees and involved in cultivating short term crops. While so, without any notice and enquiry, the impugned order has been passed to remove the iron fencing and hand over the vacant possession on or before 27.05.2022. It is also stated in the affidavit that on receipt of undated eviction notice, the representation has been given by the petitioner herein on 27.05.2022 and till date, no order has been passed.

3. Mr.A.Baskaran, learned Additional Government Pleader takes notice for the respondents 1 to 3 and Mr.K.Balasubramani, learned Special Government Pleader takes notice for the respondents 4 and 5.

4. The facts of the case as projected by the learned counsel for the petitioner is that the Grama Natham Poromboke land being in occupation of the petitioner for more than 40 years and without any proper notice, the petitioner has been asked to vacate and hand over the possession. Whereas, the learned Additional Government Pleader as well as the learned Special Government Pleader appearing for the respondents state that the petitioner herein has forcibly occupied the Government Poromboke land which is required for putting up the ration shop and other buildings for public purposes. Hence, notice to evict was issued. However, since the impugned order has been passed without affording an opportunity to the petitioner herein, this Court directs the respondents to consider the representation of the petitioner dated 27.05.2022 and pass fresh orders after affording personal hearing to the petitioner herein in accordance with law.

5. With this direction, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

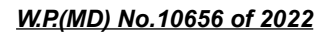
Sd/-

Vacation Officer

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



To:

- and
W.M.P. (MD) No.7731 of 2022
01.06.2022

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