



W.P.(MD) Nos.20569 to 20571 of 2015

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

AND

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD)Nos.20569 to 20571 of 2015

and

M.P.(MD)Nos.1, 1, 1 & 1 of 2015,

S.Ramachandran

... Petitioner in
W.P.(MD)No.20569/2015

M.Thamaraiselvan

... Petitioner in
W.P.(MD)No.20570/2015

G.Vaigundaraja

... Petitioner in
W.P.(MD)No.20571/2015

A.M.Vijayan

... Petitioner in
W.P.(MD)No.20270/2015

-Vs-

1.The District Collector,
Tirunelveli District,
Tirunelveli.

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2.The Block Development Officer,
(Village Panchayat)
Keelappavur Union Panchayat,
Pavoorchathiram, Tenkasi Taluk,
Tirunelveli District.

3.Sivanadanoor Village Panchayat,
Rep. by its President,
Sivanadanoor, Tenkasi Taluk,
Tirunelveli District.

... Respondents
in all W.Ps.

COMMON PRAYER: Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent's impugned order made in M3/2830/2015 dated 29.10.2015 and quash the same as devoid of merits and consequently forbear the respondents from demolishing the septic tank without providing sanitary facility to the petitioners based on the petitioners' representation dated 05.11.2015, within the period stipulated by this Court.

For Petitioner : Mr.Ananth C.Rajesh
(In all W.Ps)

For Respondent : Mr.V.Nirmal Kumar,
(In all W.Ps) Government Advocate.



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COMMON ORDER

[Order of the Court was made by R.MAHADEVAN, J.]

Challenging the eviction notices issued by the second respondent made in M3/2830/2015 dated 29.10.2015, the petitioners have filed these Writ Petitions.

2. The learned counsel appearing for the petitioners submitted that without giving show cause notices to the petitioners or without conducting any enquiry, the impugned notices have been issued. However, after receipt of the impugned notices, the petitioners made representations on 05.11.2015, indicating that the place in question is a private land and the septic tanks constructed by them are within their respective private lands. He further submitted that the same will not hinder laying of sewerage pipe lines by the authorities, but the same have not been considered. Thus, the learned counsel for the petitioner submitted that the impugned notices are liable to be set aside on the ground of violation of principles of natural justice.

3. Heard the learned Government Advocate appearing for the respondents and perused the records.

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4. Considering the submissions made by both sides, the impugned orders passed by the second respondent in M3/2830/2015 dated 29.10.2015, are set aside on the ground of violation of principles of natural justice and the matter is remitted back to the authorities concerned for fresh consideration. The authorities concerned shall conduct a survey of the place in question then issue show cause notices to the petitioners, consider their objections and then proceed further for removal of encroachments, if any, after affording sufficient opportunity to all the parties concerned and by due process of law. Such an exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.

5. With the above directions, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

[R.M.D., J.] & [J.S.N.P., J.]

vsm

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Internet : Yes / No

To

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Tirunelveli.
- 2.The Block Development Officer,
(Village Panchayat)
Keelappavur Union Panchayat,
Pavoorchathiram, Tenkasi Taluk,
Tirunelveli District.
- 3.The President,
Sivanadanoor Village Panchayat,
Sivanadanoor, Tenkasi Taluk,
Tirunelveli District.



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