



W.P.(MD) Nos.23653 to 23655 of 2022

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.23653 to 23655 of 2022

and

W.M.P.(MD)Nos.17737, 17742 & 17741 of 2022

V.Malaisamy	... Petitioner in W.P.(MD)No.23653 of 2022
P.Kannan	... Petitioner in W.P.(MD)No.23654 of 2022
P.Theivendran	... Petitioner in W.P.(MD)No.23655 of 2022

-Vs-

1.The District Collector,
Madurai District,
Collectorate Buildings,
Madurai-625 020.

2.The Food Safety Officers,
Food Safety and Drugs Administration Unit,
Alanganallur, Madurai District.

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3.The Deputy General Manager,

National Highways Authority of India,
Plot No.3, Surya Towers 2nd Floor,
1st Street, K.K.Nagar, Madurai-20.

4.The Tahsildar,

Vadipatti Taluk,
Madurai District.

5.The Panchayat President,

Ayyankottai Panchayat,
Ayyankottai Post, Vadipatti Taluk,
Madurai District.

... Respondents in W.P.(MD)Nos.23653

& 23655 of 2022

1.The District Collector,

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2.The District Industries Centre,

Alagarkovil Road,
Madurai, Madurai District.

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Madurai District.

5.The Panchayat President,

Ayyankottai Panchayat,
Ayyankottai Post, Vadipatti Taluk,
Madurai District.

... Respondents in W.P.(MD)No.23654 of 2022

COMMON PRAYER in W.P.(MD)Nos.23653 & 23655 of 2022: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records of the 5th respondent herein relating to the impugned letter No.01/2022-2023, dated 30.09.2022 and quash the same as illegal.

PRAYER in W.P.(MD)No.23654 of 2022: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records of the 5th respondent herein relating to the letter dated 18.06.2020 issued in the

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name of Mr.Ponmani, who expired, from whom I purchased and quash the same as illegal.

For Petitioner : Mr.S.Alagarsamy

For R1, R2 & R4 : Mr.S.P.Maharajan

Special Government Pleader

For R3 : Mr.P.Karthick

(for all petitions)

COMMON ORDER

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

Challenging the eviction notices issued by the 5th respondent dated 30.09.2022 and 18.06.2020, these Writ Petitions have been filed.

2.The petitioners claim that without giving any opportunity to the petitioners, the impugned eviction notices have been issued and therefore, the same are liable to be set aside on the ground of violation of principles of natural justice.



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3.The said statement is not refuted by the learned Special Government Pleader for the respondents 1, 2 and 4.

4.Considering the fact that the impugned eviction notices have been issued without giving any show cause notice to the petitioners to put forth their case, the impugned eviction notices are treated as show cause notices and the petitioners are directed to file their respective explanations / objections to the same, placing all the materials in support of their claims before the authority concerned within a period of two weeks from the date of receipt of a copy of this order. On receipt of such explanations / objections, the authority concerned is directed to consider the same and pass appropriate orders on merits and in accordance with law. If there is any encroachment found on the water body, the same will be removed, after affording sufficient opportunity to all the parties concerned and by following due process of law. Such an exercise shall be completed within a period of four weeks thereafter. Till such time, the *status-quo* as on date shall be maintained.

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5.With the above direction, these Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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

20.10.2022

Index : Yes / No

Internet : Yes / No

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