



W.P(MD)No.29053 of 2022

**WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 23.12.2022**

**CORAM:**

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR  
and  
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P(MD)No.29053 of 2022  
and  
W.M.P(MD)Nos.23030 & 23032 of 2022**

Our Lady of Assumption Church,  
Represented by its Parish Priest,  
Rev.Fr.Saleth Jeroid,  
Prakasapuram,  
Nazareth,  
Thoothukudi District.

... Petitioner

VS.

- 1.The District Collector,  
Thoothukudi District,  
Thoothukudi.
- 2.The Assistant Director of Town Panchayats,  
N.G.O 'B' Colony,  
Tirunelveli.
- 3.Nazareth Selection Grade Town Panchayat,  
Represented by its Executive Officer,  
Nazareth,  
Thoothukudi District.

4.Shanthi

... Respondents



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**PRAYER :** Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the third respondent in Na.Ka.No.365 of 2021, dated 14.12.2022, quash the same.

For Petitioner : Mr.R.Subramanian  
for Mr.M.Saravanan

For RR 1 to 3 : Mr.M.Sarangan  
Additional Government Pleader

**ORDER**

**(Order of the Court was made by D. KRISHNAKUMAR, J.)**

Challenging the impugned order passed by the third respondent, dated 14.12.2022 calling upon the petitioner to remove the gate in Survey No.308/38 at Prakasapuram, Nazareth, Thoothukudi District, the petitioner has filed the present Writ Petition.

2.The primordial contention of the petitioner is that the aforesaid notice has been issued by the third respondent-Panchayat and the same has been served on 02.09.2022 and the petitioner sent a detailed explanation on 07.09.2022. Without considering the explanation of the petitioner, the



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third respondent has passed the impugned order directing the petitioner to remove the encroachment in the aforesaid property. Therefore, the impugned order is liable to be quashed on the ground that the third respondent has not provided sufficient opportunity to the petitioner and not considered the explanation of the petitioner and violates the principles of natural justice.

3.The learned Additional Government Pleader appearing for the respondents 1 to 3 submitted that the petitioner's explanation will be duly considered and appropriate orders will be passed.

4.In view of the above, we have no hesitation to quash the impugned order, dated 14.12.2022 passed by the third respondent and the same is liable to be quashed. The petitioner has also submitted a copy of the explanation addressed to the third respondent.

5.Accordingly, the impugned order, dated 14.12.2022 passed by the third respondent is quashed and the Writ Petition is allowed and the third respondent is directed to consider the petitioner's explanation dated 07.09.2022 and pass orders on its own merits and in accordance with law,



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after affording sufficient opportunity of hearing to all the parties concerned, within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petitions are closed.

**[D.K.K.,J.] [R.V.,J.]**  
**23.12.2022**

Index : Yes / No  
Internet : Yes  
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To

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**D. KRISHNAKUMAR,J.**  
**and**  
**R.VIJAYAKUMAR,J.**

ps

**ORDER MADE IN**  
**W.P(MD)No.29053 of 2022**

**DATED : 23.12.2022**