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W.P.No.26430

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2023

CORAM:

THE HON'BLE MR. JUSTICE K.KUMARESH BABU

W.P.No.26430 of 2009
and M.P.No.2 of 2009

- 1.N.Banumathi
- 2.C.S.Govindasamy
- 3.R.Suguna
- 4.U.Kamalakannan
- 5.G.Selvi
- 6.V.Ravi
- 7.K.Danapal
- 8.A.Arif
- 9.P.Palanisamy
- 10.C.Shanmughasundaram
- 11.C.Manoharan
- 12.P.Palanichamy
- 13.R.Poosan
- 14.D.Aiyyavu
- 15.R.Subramani
- 16.P.Sivaraj
- 17.C.Muthusamy
- 18.M.Sathish
- 19.C.R.Sivakumar
- 20.B.Nagarajan

...Petitioners

Vs.

- 1.The Government of Tamil Nadu,
rep. by its Secretary,
Rural Development Department,
Fort St.George, Chennai – 600 009.
- 2.The District Collector,
Erode District.



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3.The Block Development Officer,
Chennimalai Taluk,
Erode District.

4.The President,
Ekkattampalayam Panchayat,
Erode District.

5.The President,
Ellaigrmam Panchayat,
Erode District.

6.The President,
Kodumanal Panchayat,
Erode District.

7.The President,
Koothampalayam Panchayat,
Erode District.

8.The President,
Kuppichipalayam Panchayat,
Erode District.

9.The President,
V.Kuttapalayam Panchayat,
Erode District.

10.The President,
Mugasipidaariyur Panchayat,
Erode District.

11.The President,
Mugasipulavanpalayam Panchayat,
Erode District.

12.The President,
Ottapparai Panchayat,
Erode District.



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13.The President,
Paniyampalli Panchayat,
Erode District.

14.The President,
Pudupalayam Panchayat,
Erode District.

15.The President,
Pungampadi Panchayat,
Erode District.

16.The President,
Punjaipalathozhvu Panchayat,
Erode District.

17.The President,
Sirukalanchi Panchayat,
Erode District.

18.The President,
Vadamugam Vellode Panchayat,
Erode District.

19.The President,
Varapalayam Panchayat,
Erode District.

20.The President,
Vaipadi Panchayat,
Erode District.

21.The President,
Murungathozhvu Panchayat,
Erode District.

22.The President,
Ingur Panchayat,
Erode District.



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23.The President,
Kumaravalasu Panchayat,
Erode District.

... Respondents

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Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records relating to the order passed by the 3rd respondent in his proceedings No.Na.Ka.1955/09/A2 dated 03.11.2009, quash the same.

For Petitioner : Mr.M.Baskar

For Respondents : Mr.S.Ravichandran for R1 & R2
Additional Government Pleader

R3 – No appearance

R4 to R14 & R16 to R23 not ready in notice

R15 – served – no appearance

ORDER

This Writ Petition has been filed challenging the order issued by the third respondent dated 03.11.2009. This Court at the time of admission relied upon an interim order of this Court made in W.P.Nos.11156 to 11158 of 2009 and had granted interim order.

2.It is brought to the notice of this Court that the aforesaid Writ Petitions had been disposed of by the learned Single Judge by setting aside the order impugned



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and had granted liberty to the Government to initiate fresh action of recovery after following the principles of natural justice.

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3.In the present case, no notice has been served upon the petitioners before initiating the order of recovery. The respondents are directed to issue appropriate notice to the respective petitioners before initiating order of recovery.

4.With the aforesaid directions, the Writ Petition is disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

27.11.2023

Index: Yes/No
Speaking Order/Non-Speaking Order
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To

1.The Secretary,
Government of Tamil Nadu,
Rural Development Department,
Fort St.George, Chennai – 600 009.

2.The District Collector,
Erode District.



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K.KUMARESH BABU, J.

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