



WEB COPY



WP No.15359 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

WP No.15359 of 2023
and WMP Nos.14899 and 14900 of 2023

1. D.Maheswari
2. M.Dhandapani

.. Petitioners

-VS-

1. The District Collector,
Tiruppur, Tiruppur District.
2. The Revenue Divisional Officer,
Udumalpet, Tiruppur.
3. The Tahsildar,
Udumalpet, Tiruppur District.
4. The President,
Kallapuram Panchayat,
Kallapuram Post, Udumalpet
Panchayat Union, Tiruppur.
5. The Block Development Officer,
Udumalpet Panchayat Union,
Udumalpet.
6. The Village Administrative Officer,
Kallapuram, Tiruppur District.

7. N.Arunachalam

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for the records of order dated 12.04.2023 on the file of 4th respondent and quash the same.

For the Petitioners : Mr.K.Myilsamy

For the Respondents : Mr.J.Ravindran,
Additional Advocate-General,
Assisted by Mr.A.Selvendiran,
Special Government Pleader,
for respondents 1 to 3 and 6

Mr.P.Muthukumar,
State Government Pleader,
Assisted by Mrs.R.Anitha,
Special Government Pleader,
for respondents 4 and 5.

* * * * *

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

We have heard Mr.K.Myilsamy, learned counsel for the petitioner, Mr.J.Ravindran, learned Additional Advocate-General for respondents 1 to 3 and 6 and Mr.P.Muthukumar, learned State Government Pleader, for respondents 4 and 5.



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2. The learned counsel for the petitioners submits that the impugned order is passed directing the petitioners to remove the encroachment within one week. According to the learned counsel, the petitioners are not encroachers. The petitioners are occupying the land legitimately. Earlier also, order was passed directing the petitioners to remove the alleged encroachment. The petitioners filed Writ Petition No.25550 of 2022. The Division Bench of this Court under order dated 03.11.2022 set aside the order of the fourth respondent therein and directed the respondents therein to give an opportunity to the petitioners to produce relevant documents to establish their claim and thereafter to take decision whether the subject property is a Natham land or Natham lane as per the revenue records.

3. It is the contention of the petitioners that though this Court directed the respondents to give an opportunity to the petitioners, no opportunity is given, instead the order is passed directing the petitioners to remove the encroachment within one week.



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4. The learned State Government Pleader, on instructions, submits that the impugned order may be construed as a show cause notice.

5. In the result, we pass the following order:-

The impugned order dated 12.04.2023 shall be construed as a show cause notice. The petitioners shall file reply to the same within a period of ten days from today along with all the documents on which the petitioners rely. The respondent authorities shall consider the reply and the documents filed by the petitioners and thereafter take decision as is directed by the Court under order dated 03.11.2022 in W.P.No.25550 of 2022.

With these observations, the writ petition is disposed of. There will be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(S.V.G., CJ.)

(P.D.A., J.)

08.06.2023

Index : yes/no
Neutral Citation : Yes/No
sra

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P.D.AUDIKESAVALU, J.

(sra)

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