



WP Nos.16864, 16352, 17084,
17108, 17199 and 17085 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2023

CORAM :

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

AND

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

WP Nos.16864, 16352, 17084, 17108,
17199 and 17085 of 2023

and

WMP Nos.16109, 16110, 15727, 16259,
16278, 16261 and 16378 of 2023

Rajkumar	.. Petitioner in WP.16864/23
Anbarasu	.. Petitioner in WP.16352/23
Muthu	.. Petitioner in WP.17084/23
Balakrishnan	.. Petitioner in WP.17108/23
Subash Chandrabose	.. Petitioner in WP.17085/23
Tamilarasi	.. Petitioner in WP.17199/23

-vs-

1. The District Collector,
Namakkal District, Namakkal.
2. The Block Development Officer,
Trichengode Taluk, Namakkal District.
3. The Tahsildar,
Trichengode Taluk, Namakkal District.
4. Baskar @ Mani
The President of Panchayat Union,
Modamangalam, Modamangalam Post,
Trichengode Taluk, Namakkal District.

.. Respondents



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Prayer: Petitions filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned show cause notice issued by the 4th respondent proceedings Nil dated 19.05.2023 quash the same and consequently directing the 1st to 4th respondents not to take any coercive steps against the petitioners' property situated in S.No.183/4, Door No.1/64 (WP.16865/2023); S.No.183/35, Door No.1/125 (WP.16352/2023); S.No.183/34, Door No.1/127 (WP.17084/2023); S.No.191/23, Door No.1/113 (WP.17108/2023); S.No.183/35, Door Nos.1/119 & 1/119-1 (WP.17199/2023); and S.No.205/1, Door No.2/199 (WP.17085/2023) Modamangalam, Modamangalam Post, Trichengode Taluk, Namakkal District.

For the Petitioners
in all WPs. : Mr.M.Dinesh

For the Respondents
in all WPs. : Mr.P.Muthukumar,
State Government Pleader,
Assisted by Mrs.R.Anitha,
Special Government Pleader

* * * * *

COMMON ORDER

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

We have heard Mr.M.Dinesh, learned counsel for the petitioners and Mr.P.Muthukumar, learned State Government Pleader for the



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respondents.

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2. According to the learned counsel for the petitioners, prior to the impugned notice, no notice was served upon the petitioners nor the petitioners were given any notice of survey. Abruptly, the impugned notice is issued.

3. The learned State Government Pleader submits that the respondents would not carry out any activity of demolition and/or eviction pursuant to the impugned notice on the patta land, however, only encroachment on the Government land would be removed. Upon a question being asked about the petitioners not being issued with a prior notice, the learned State Government Pleader submits that the impugned notice can be construed as a show cause notice by the petitioners and they may file reply to it.

4. In light of that, the impugned order may be construed as a show cause notice to the petitioners. The petitioners may file reply to said show cause notice within ten days from today. On receipt of the reply, the authority may consider the reply and take further decision



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with regard to the encroachment or otherwise on its own merits.

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5. The learned counsel for the petitioners submits that there are six Wards and in respect of two Wards alone, the local authority is taking action.

6. In case, the authorities are removing encroachment in respect of two Wards, that cannot be a ground for the residents of the two Wards to contend that their encroachment should not be removed because encroachment in other Wards is not being removed.

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

(S.V.G., CJ.)

(P.D.A., J.)

28.06.2023

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



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To:

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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKEVALU, J.

(sra)

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