



W.P.Nos.25474 & 25478 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.08.2023

CORAM

THE HONOURABLE Mr.JUSTICE R.MAHADEVAN
AND
THE HONOURABLE Mr.JUSTICE MOHAMMED SHAFFIQ

W.P.Nos.25474 & 25478 of 2023
and W.M.P.Nos.24865 & 24875 of 2023

Jayanthi Paramasivam

.. Petitioner in
W.P.No.25474 of 2023

- 1.Kirubadevi
- 2.Selvi
- 3.Sivagamasundari
- 4.Rajalakshmi
- 5.Banumathi
- 6.Vzanitha
- 7.Rani
- 8.Ramamaheswari
- 9.Elayaraja
- 10.Vanaja Ramalingam
- 11.Anjammal
- 12.Pushpavalli
- 13.Arivazhagan
- 14.Veeramani
- 15.Jayasri
- 16.Sundari
- 17.Priya
- 18.Kannagi
- 19.Meenakshi
- 20.Elamvazhuthi

.. Petitioners in
W.P.No.25478 of 2023



W.P.Nos.25474 & 25478 of 2023

Vs.

WEB COPY

1.THE DISTRICT COLLECTOR,
CUDDALORE DISTRICT, CUDDALORE.

2.THE REVENUE DIVISIONAL OFFICER,
CHIDAMBARAM.

3.THE TAHSILDAR,
CHIDAMBARAM.

4.THE BLOCK DEVELOPMENT OFFICER,
KUMARATCHI PANCHAYAT UNION,
CUDDALORE DISTRICT.

...Respondents in
both petitions

Common Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF CERTIORARIFIED MANDAMUS calling for the records on the file of the fourth respondent relating to the impugned notice bearing Na.Ka.No. AA1/698/2021 dated 21.08.2023 and quash the same and consequently forbear the respondents 1-4 or any other person or persons claiming through them dispossessing the petitioners from the lands and buildings in S.No.129/2 of Parameswaranallur Village, Chidambaram Taluk, Cuddalore District.

For Petitioners
in both petitions : Mr.T.Sai Krishnan

For Respondents
in both petitions : Mr.A.Selvendiran
Special Government Pleader



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COMMON ORDER

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

These writ petitions have been filed seeking to call for the records relating to the notice dated 21.08.2023 bearing Na.Ka.No. AA1/698/2021 on the file of the fourth respondent, quash the same and consequently forbear the respondents from dispossessing the petitioners from the lands and buildings in S.No.129/2, Parameswaranallur Village, Chidambaram Taluk, Cuddalore District.

2. According to the petitioners, they are in peaceful possession and enjoyment of the subject lands for the past 30 years and are regularly paying electricity charges and water connection charges to the authorities concerned without any default. While so, the fourth respondent issued the impugned notice dated 21.08.2023 directing the petitioners to remove the encroachments, on or before 31.08.2023, treating them as encroachers. Feeling aggrieved, the petitioners are before this court with the present writ petitions.



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3. The specific contention of the learned counsel appearing for the petitioners is that without following due process of law and issuing any show cause notice, the respondent authorities directed the petitioners to vacate the subject lands, considering them as encroachers, through the notice impugned herein, which is illegal, arbitrary and contrary to the principles of natural justice.

4. On the other hand, the learned Special Government Pleader taking notice for the respondents, fairly conceded the submission so made on the side of the petitioners. Therefore, he submitted that the petitioners may be directed to submit their objections / explanations with supporting materials; and on such submission, the same would be considered by the respondent authorities, on merits and in accordance with law, within a time frame to be stipulated by this court.

5. The learned counsel for the petitioners agreed to the aforesaid submissions made by the learned Special Government Pleader appearing for the respondent authorities.



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6. In view of the above, we direct the petitioners to file necessary objections / explanations along with the required documents, if any, to the impugned notice dated 21.08.2023 treating it as show cause notice, to the respondent authorities, within a period of four weeks from the date of receipt of a copy of this order. On such filing, the respondent authorities shall consider the same and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to all the parties concerned.

7. With the aforesaid directions, these writ petitions stand disposed of. No costs. Connected W.M.Ps. are closed.

[R.M.D., J.] [M.S.Q., J.]
30.08.2023

nsd

Index: Yes / No

Speaking Order / Non-speaking Order

Neutral Citation : Yes / No

To

1.THE DISTRICT COLLECTOR,
CUDDALORE DISTRICT, CUDDALORE.

2.THE REVENUE DIVISIONAL OFFICER,
CHIDAMBARAM.

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R.MAHADEVAN, J.
AND
MOHAMMED SHAFFIQ, J.

nsd

3.THE TAHSILDAR,
CHIDAMBARAM.

4.THE BLOCK DEVELOPMENT OFFICER,
KUMARATCHI PANCHAYAT UNION,
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