



W.P.(MD) No.78 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD) No.78 of 2023
and W.M.P.(MD)No.87 of 2023

N.Siva Perumal

... Petitioner

Vs.

- 1.The District Collector,
Collectorate, Dindigul District.
- 2.The District Revenue Officer,
O/o. The District Revenue Officer,
Dindigul District.
- 3.The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Dindigul.
- 4.The Thasildar,
Taluk Office,
Vedasandur, Dindigul District.



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5. The Block Development Officer,
Panchayat Union Office,
Vadamadurai, Dindigul District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the records relating to the impugned order of 5th respondent in Na.Ka.No.2814/2019/Thi1 dated 25.11.2022 and quash the same.

For Petitioner : Mr.V.S.Kishok Kumar

For Respondents : Mr.K.Balasubramani
Special Government Pleader for R1 to R4

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

This Writ Petition has been filed challenging the impugned order of 5th respondent in Na.Ka.No.2814/2019/Thi1, dated 25.11.2022.

2. The learned counsel appearing for the petitioner submitted that the petitioner has challenged the impugned eviction notice issued by the 5th respondent, on the ground that the respondents have not provided an opportunity



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for making his objections, in the light of the order passed by this Court in W.P. (MD)No.13786 of 2020, dated 16.11.2022. In the aforesaid order, this Court has passed the following order:

“4. Recording the above submission, this Writ Petition is disposed of with a direction to the authorities concerned to consider and dispose of the representation of the petitioner dated 10.06.2020, on merits and in accordance with law. If there is any encroachment in the place in question, the authorities shall remove the same, after affording sufficient opportunity to all the parties concerned and by following due process of law. Such an exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order. No costs.”

He further submitted that the 5th respondent, without providing such opportunity, passed the impugned order and hence, the petitioner has filed this Writ Petition.

3. When this Court posed a specific query to the learned Special Government Pleader appearing for the respondents 1 to 4 that why the order passed by this Court in W.P.(MD)No.13786 of 2020, dated 16.11.2022, has not



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been complied with, he has informed that the aforesaid order was passed on 16.11.2022 and the copy of the said order has been received only on 15.12.2022. He further submitted that based on the communication of the Tahsildar, the 5th respondent has passed the impugned order. The Panchayat Commissioner, who is present before this Court has also agreed that after giving necessary opportunity to the petitioner, the respondents will pass appropriate orders, in the light of the order passed in W.P.(MD)No.13786 of 2020, dated 16.11.2022.

4. Recording the said submissions, we are inclined to pass the following order:

- 1) the impugned order dated 25.11.2022, passed by the 5th respondent is treated as show cause notice;
- 2) the petitioner is directed to file his objections / reply to the same before the 5th respondent, along with all supporting materials, within a period of two (2) weeks from the date of receipt of a copy of this order;
- 3) after receipt of the same, the 5th respondent shall consider



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within a period of four [4] weeks thereafter; and

4) If there is any encroachment, the 5th respondent is directed to remove the same, without any further delay.

5. With the above directions, this Writ Petition is disposed of. No costs.

Consequently, connected Miscellaneous Petition is closed.

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

09.01.2023

NCC : Yes / No

Index : Yes / No

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To

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O/o. The District Revenue Officer,
Dindigul District.

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O/o. The Revenue Divisional Officer,
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4.The Thasildar,
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