



W.P.(MD) No.365 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.365 of 2023

and

W.M.P.(MD)No.344 of 2023

R.Veeraiah

... Petitioner

-Vs-

The Tahsildar,

Tiruchuli Taluk,

Virudhunagar District.

... Respondent

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 in the form of notice passed by the respondent in his proceedings Na.Ka.Aa1/5503/2022 dated 23.12.2022 and quash the same as illegal, arbitrary and without jurisdiction.

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For Petitioner : Mr.B.Saravanan

For Respondent : Mr.M.Sarangan,

Additional Government Pleader

ORDER

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

This Writ Petition is filed, challenging the impugned order in Na.Ka.Aa1/5503/2022 dated 23.12.2022 issued by the respondent.

2.Mr.M.Sarangan, learned Additional Government Pleader takes notice for the respondent.

3.By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

4.The learned counsel for the petitioner submitted that the impugned eviction notice has been issued to the petitioner without issuing any show cause notice, enabling the petitioner to submit his objection / explanation. Therefore,

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the same is liable to be quashed on the ground of violation of principles of natural justice.

5.The learned Additional Government Pleader appearing for the respondent submitted that since the petitioner has encroached the property in question, the impugned eviction notice has been issued and on 08.12.2022, the petitioner has also agreed to remove the encroachment within a period of one week. Therefore, the impugned eviction notice is perfectly valid and does not warrant any interference.

6.A perusal of the impugned eviction notice shows that the same has been issued to the petitioner without issuing any show cause notice to him. Therefore, we direct that the impugned eviction notice dated 23.12.2022 shall be treated as show cause notice. The petitioner is permitted to make an objection / explanation to the show cause notice, dated 23.12.2022, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such objection / explanation, the respondent is directed to consider the same and pass



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appropriate orders on merits and in accordance with law within a period of two weeks thereafter and if there is any encroachment in the place in question, the same would be removed, after affording sufficient opportunity to all the parties concerned and by following due process of law.

7. With the above direction, this Writ Petition stands 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
Internet : Yes / No

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