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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)Nos.686 to 693 of 2023
and
W.M.P.(MD)Nos.683, 686, 684, 688, 691, 689, 687 and 685 of 2023

W.P.(MD)No.686 of 2023

Pandian ... Petitioner

-Vs-

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Divisional Engineer (Highways),
Construction and Maintenance,
Ramanathapuram District,
Ramanathapuram.

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3.The Assistant Divisional Engineer (Highways),
Office of the Divisional Engineer (Highways),
Construction and Maintenance,
Mudukulathur, Ramanathapuram District.

4.The Assistant Engineer (Highways),
Construction and Maintenance,
Sayalkudi, Ramanathapuram District.

5.The Tahsildar,
Kadaladi Taluk, Ramanathapuram District. ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the impugned order passed by the 3rd respondent in his proceedings in Memo No.332/22/2022/A2, dated 23.12.2022 and quash the same as illegal.

For Petitioners : Mr.V.Malaiyendran
For Respondents : Mr.P.T.Thiraviyam,
Government Advocate

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COMMON ORDER

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

The eviction notices dated 23.12.2022 issued by the 3rd respondent, directing the petitioners to remove the encroachment, is under challenge in these Writ Petitions.

2.Mr.P.T.Thiraviyam, learned Government Advocate takes notice for the respondents.

3.By consent of both parties, these Writ Petitions are taken up for final disposal at the admission stage itself.

4.The learned counsel for the petitioners submitted that the impugned eviction notices have been issued to the petitioners without issuing any show cause notice, enabling them to submit their respective objections / explanations. Therefore, the same are liable to be quashed on the ground of violation of principles of natural justice. He further submitted that the petitioners would be

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satisfied, if they are granted two weeks time to submit their respective explanations / objections and the same may be directed to be considered by the 3rd respondent within a time frame.

5.The learned Government Advocate appearing for the respondents submitted that the petitioners have been served with show cause notice on 12.12.2022 and thereafter, the impugned eviction notices have been issued on 23.12.2022. Therefore, the impugned eviction notices are perfectly valid and do not warrant any interference.

6.In view of the aforesaid submissions made on either side, we direct that the impugned eviction notices dated 23.12.2022 shall be treated as show cause notice. The petitioners are permitted to make their respective objections / explanations to the show cause notice, dated 23.12.2022, on or before 31.01.2023. On receipt of such objections / explanations, the 3rd respondent is directed to consider the same and pass appropriate orders on its own merits and in accordance with law within a period of eight weeks thereafter. We make it

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clear that if there is any encroachment in the place in question, the same would be removed, after affording sufficient opportunity of hearing to all the parties concerned and by following due process of law.

7.With the above direction, these Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

[D.K.K., J.] & [R.V., J.]
11.01.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

MYR

Note: Issue Order copy on 12.01.2023.

To

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

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D.KRISHNAKUMAR, J.

AND

R.VIJAYAKUMAR, J.

MYR

2.The Divisional Engineer (Highways),
Construction and Maintenance,
Ramanathapuram District,
Ramanathapuram.

3.The Assistant Divisional Engineer (Highways),
Office of the Divisional Engineer (Highways),
Construction and Maintenance,
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