



W.P(MD)No.702 of 2023

WEB COPY 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)No.702 of 2023
and
W.M.P(MD)Nos.697 & 699 of 2023**

Amutha

... Petitioner

VS.

- 1.The District Collector,
Dindigul,
Dindigul District.
- 2.The District Revenue Officer,
Dindigul,
Dindigul District.
- 3.The Revenue Divisional Officer,
Dindigul,
Dindigul District.
- 4.The Tahsildar,
East Dindigul,
Dindigul District.
- 5.The President,
Vellodu Panchayath,
Dindigul.

... Respondents



W.P(MD)No.702 of 2023

WEB COPY

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records of the impugned order passed by the fourth respondent dated 14.12.2022 and quash the same.

For Petitioner	: Mr.P.Manikandan
For RR 1 to 4	: Mr.K.Balasubramani Special Government Pleader
For R – 5	: Mr.V.Nirmal Kumar Government Advocate

ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

Challenging the impugned eviction notice dated 14.12.2022 issued by the fourth respondent, directing the petitioner to remove the encroachment, the present Writ Petition has been filed.

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



W.P(MD)No.702 of 2023

WEB COPY

3.The learned counsel for the petitioner submitted that the petitioner constructed a koorai house and living there for the past 37 years in the property in question, for which, the petitioner has been regularly paying property tax as assessed by the Government. Suddenly, the fourth respondent issued the impugned eviction notice dated 14.12.2022, treating the petitioner as an encroacher, without issuing any show cause notice, enabling the petitioner to submit her objection/explanation. Therefore, the same is liable to be set aside on the ground of violation of principles of natural justice.

4.The learned counsel appearing for the petitioner further submitted that the fourth respondent has issued the impugned eviction notice only in respect of the petitioner alone, but he has not chosen to remove the encroachment in respect of the other encroachers.

5.The learned Special Government Pleader appearing for the respondents 1 to 4, on instructions, submitted that the impugned eviction notice shall be treated as show-cause notice if the petitioner submits her explanation/objection.



W.P(MD)No.702 of 2023

WEB COPY

6.In response to the said submission, the learned counsel appearing for the petitioner seeks time to submit the explanation/objection of the petitioner.

7.Considering the fact that the impugned eviction notice has been issued without giving any show cause notice to the petitioner to put forth her case, the impugned eviction notice is treated as show cause notice and the petitioner is directed to file her explanation/objection to the same, placing all the materials in support of her claims before the authority concerned on or before 31.01.2023. On receipt of such explanation/objection, the authority concerned is directed to consider the same and pass appropriate orders on merits and in accordance with law, after affording sufficient opportunity to all the parties concerned, within a period of four weeks thereafter. Till such time, the respondents are directed to maintain *status-quo* as on date. If it is found by the authorities concerned that the petitioner and other encroachers have encroached in the said survey number, such encroachment shall be removed forthwith by following due process of law, without causing any further delay.



W.P(MD)No.702 of 2023

WEB COPY

8.With the above directions, this Writ Petition stands 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

To

- 1.The District Collector,
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Dindigul District.
- 2.The District Revenue Officer,
Dindigul,
Dindigul District.
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D.KRISHNAKUMAR,J.
and
R.VIJAYAKUMAR,J.

ps

ORDER MADE IN
W.P(MD)No.702 of 2023

DATED : 11.01.2023