



W.P.(MD)No.1188 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.1188 of 2023
and W.M.P.(MD)No.1096 of 2023

P.Chinnarani

... Petitioner

Vs.

- 1.The Headmaster,
Veerakurichi Panchayat Union School,
Veerakurichi,
Pattukottai Taluk,
Thanjavur District.
- 2.The Assistant Educational Officer,
Pattukkottai,
Thanjavur District.
- 3.The Block Development Officer,
Pattukkottai,
Thanjavur District.



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4.The District Collector,
Thanjavur District,
Thanjavur.

5.The Tahsildar,
Pattukottai Taluk,
Pattukottai,
Thanjavur District.

6.P.Soosaimary

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records of the impugned eviction notice issued by the 3rd respondent made in Na.Ka.No.2246/2022/A2 dated 02.07.2022 and to quash the same as illegal.

For Petitioner : Mr.S.Kanagarajan

For Respondents : Mr.K.Balasubramani,
Spl. Govt. Pleader for R1, R2, R4 & R5

Mr.R.Baskaran,
Additional Advocate General
Assisted by Mr.V.Nirmal Kumar,
Government Advocate for R3



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ORDER

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

Challenging the impugned eviction notice issued by the 3rd respondent in Na.Ka.No.2246/2022/A2 dated 02.07.2022, the petitioner has filed this Writ Petition.

2. When the matter was taken up for hearing, the learned Special Government Pleader appearing for the respondents has produced a communication of the Tahsildar, dated 22.12.2022, wherein it is stated that patta granted in favour of the petitioner has been subsequently cancelled. Therefore, now the property is restored in the name of the Village Panchayat and therefore, he prays for dismissal of this Writ Petition.

3. On a perusal of the impugned eviction notice, it is seen that no opportunity has been granted to the petitioner before passing the impugned eviction notice and therefore, there is violation of principle of natural justice. In



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view of the above, we are of the view that the impugned order is liable to be set aside.

4. Accordingly, the impugned notice dated 02.07.2022, issued by the third respondent is quashed. The respondents are directed to proceed the matter afresh, after giving opportunity to the necessary parties concerned and pass orders in accordance with law.

5. With the above directions, this Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.] [L.V.G., J.]
28.02.2023

NCC : Yes / No
Index : Yes / No
vsm



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