



W.P(MD)No.1001 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.01.2023

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P(MD)No.1001 of 2023
and W.M.P(MD)Nos.942 & 943 of 2023**

Venkatesan

... Petitioner

vs.

- 1.The District Collector,
Pudukkottai District,
Pudukkottai.
- 2.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Pudukkottai District.
- 3.The Tahsildar,
Pudukkottai Taluk Office,
Pudukkottai District.
- 4.The Commissioner,
Pudukkottai District,
Pudukkottai.

... Respondents

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 in proceeding No. 2504/2022/F3, dated 25.11.2022 and quash the same.

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For Petitioner : Mr.C.Deepak
For RR 1 to 3 : Mr.V.Nirmal Kumar
Government Advocate
For R – 4 : Mr.S.Kameswaran
Standing Counsel

ORDER

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

Challenging the impugned order, dated 25.11.2022 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.

3.The learned counsel appearing for the petitioner submitted that the impugned notice has been issued by the fourth respondent, without giving an opportunity to the petitioner, as directed by this Court in W.P(MD)No.21908 of 2022, dated 16.09.2022. Therefore, the same is liable to be set aside.



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4.Per contra, the learned Standing Counsel appearing for the fourth respondent submitted that as per the direction issued by this Court in W.P(MD)No.21908 of 2022, dated 16.09.2022, the notice has been served to the petitioner and if necessary, sufficient opportunity shall be granted to the petitioner.

5.Considering the fact that the impugned notice has been issued without providing an opportunity to the petitioner, as directed by this Court in W.P(MD)No.21908 of 2022, dated 16.09.2022, the impugned notice is treated as show cause notice and the petitioner is directed to file his explanation / objection to the same, placing all the materials in support of his claims before the authority concerned within a period of one week from the date of receipt of a copy of this order. On receipt of such explanation / objection, the fourth respondent 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 two weeks thereafter. Till such time, the respondents are directed to maintain *status-quo* as on date.



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6.With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

[D.K.K.,J.] [R.V.,J.]
19.01.2023

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

To

- 1.The District Collector,
Pudukkottai District,
Pudukkottai.
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Office of the Revenue Divisional Office,
Pudukkottai District.
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Pudukkottai Taluk Office,
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- 4.The Commissioner,
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Pudukkottai.



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D.KRISHNAKUMAR,J.
and
R.VIJAYAKUMAR,J.

ps

ORDER MADE IN
W.P(MD)No.1001 of 2023

DATED : 19.01.2023