



W.P(MD)No.1490 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.01.2023

CORAM:

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

**W.P(MD)No.1490 of 2023
and
W.M.P(MD)No.1490 of 2023**

Jeevanantham

... Petitioner

VS.

1.The Tahsildar,
Palani Taluk,
Dindigul District.

2.The Block Development Officer,
Palani,
Dindigul District.

3.The President,
Kanakkanpatti Panchayat,
Palani Taluk,
Dindigul District.

... 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 pertaining to the impugned order passed by the third respondent in Ou.Ka.No.2/2022, dated 12.01.2023 and quash the same as illegal.



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For Petitioner : Mr.D.Venkatesh
For R – 1 : Mr.K.Balasubramani
Special Government Pleader
For RR 2 & 3 : Mr.V.Nirmal Kumar
Government Advocate

ORDER

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

Challenging the impugned order, dated 12.01.2023 issued by the third 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 third respondent, without giving an opportunity to the petitioner, as directed by this Court in W.P(MD)No.21110 of 2018, dated 19.09.2022. Therefore, the same is liable to be set aside.



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4.Per contra, the learned counsels appearing for the respondents submitted that as per the direction issued by this Court in W.P(MD)No. 21110 of 2018, dated 19.09.2022, 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, dated 12.01.2023 has been issued without providing an opportunity to the petitioner, as directed by this Court in W.P(MD)No.21110 of 2018, dated 19.09.2022, 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 two weeks from the date of receipt of a copy of this order. On receipt of such explanation / objection, the third 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 six 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 Petition is closed.

[D.K.K.,J.] [R.V.,J.]
30.01.2023

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

Note:- Issue Order Copy on 31.01.2023.

To

- 1.The Tahsildar,
Palani Taluk,
Dindigul District.
- 2.The Block Development Officer,
Palani,
Dindigul District.
- 3.The President,
Kanakkanpatti Panchayat,
Palani Taluk,
Dindigul District.



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

ps

ORDER MADE IN
W.P(MD)No.1490 of 2023

DATED : 30.01.2023