



W.P.(MD) No.2455 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.2455 of 2023
and W.M.P.(MD)No.2232 of 2023

M.Murugan

... Petitioner

Vs.

1.The Revenue Inspector,
Neerethan Firka,
Vadipatti Taluk,
Madurai District.

2.The Tahsildar,
Vadipatti Taluk,
Madurai District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned eviction order issued by the 1st respondent dated 28.01.2023 in respect



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of S.Nos.552/4 and 552/7 Kulasekarankottai Village, Vadipatti Taluk, Madurai District and quash the same as illegal.

For Petitioner : Mr.R.Murali

For Respondents : Mr.P.T.Thiraviyam,
Government Advocate.

ORDER

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

Challenging the impugned eviction order issued by the 1st respondent dated 28.01.2023, in respect of S.Nos.552/4 and 552/7 Kulasekarankottai Village, Vadipatti Taluk, Madurai District, the petitioner has filed this Writ Petition.

2. Heard Mr.R.Murali, learned counsel for the petitioner and Mr.P.T.Thiraviyam, learned Government Advocate, who takes notice for the respondents.



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4. The learned counsel appearing for the petitioner submitted that before passing the impugned order, no opportunity was given to the petitioner and without conducting spot enquiry and survey, the 1st respondent has issued the impugned order. Hence, the impugned order is liable to be set aside.

5. The learned Government Advocate appearing for the respondents has produced a communication of the Tahsildar, Vadipatti, dated 06.02.2023, wherein, the petitioner was asked to appear for enquiry on 16.02.2023 at 3.00 p.m., along with all the relevant documents and submit his explanation / objection. He further submitted that if the petitioner has any grievance, he can submit his objections to the Tahsildar and the same will be considered in accordance with law.



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6. In view of the above submissions, we direct the petitioner to appear for enquiry before the 2nd respondent on 16.02.2023 at 3.00 p.m.. and file his objections / reply to the impugned eviction notice dated 28.01.2023, before the second respondent, along with all supporting materials. The second respondent shall consider such objections and thereafter, shall pass orders in accordance with law.

7. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

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

07.02.2023

NCC : Yes / No

Index : Yes / No

vsm

Note: Issue order copy on 13.02.2023

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To

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