



W.P.(MD) No.4315 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.4315 of 2023

and

W.M.P.(MD)Nos.4074 and 4075 of 2023

Kalimuthu

... Petitioner

-Vs-

1.The District Collector,

Tenkasi District, Tenkasi.

2.The Union Commissioner,

Guruvikulam Panchayat Union,

Tenkasi District.

3.The Block Development Officer,

(Village Panchayat), Guruvikulam Panchayat Union,

Tenkasi District.

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4.The Village Panchayat President,
North Guruvikulam Village, Thiruvenkatam Taluk,
Tenkasi District.

5.N.Rengaraj ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records regarding the notice in North Guruvikulam Panchayat 2/2023 issued by the 4th respondent dated 17.02.2023 and quash the same consequently, direct the respondents 1 to 4 not to interfere in the petitioner's peaceful possession and enjoyment of house property in Natham Survey No.144/2 at Ward No.6, North Guruvikulam Village, Thiruvenkatam Taluk, Tenkasi District.

For Petitioner	: Mr.M.Ramu
For R1	: Mr.V.Nirmal Kumar, Government Advocate
For R2 to R4	: Mr.M.Sarangan, Additional Government Pleader



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ORDER

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

Challenging the notice issued by the 4th respondent dated 17.02.2023, this Writ Petition is filed with a consequential direction to the respondents 1 to 4 not to interfere with the petitioner's peaceful possession and enjoyment of the house property in Natham Survey No.144/2 at Ward No.6, North Guruvikulam Village, Thiruvenkatam Taluk, Tenkasi District.

2.Mr.V.Nirmal Kumar, learned Government Advocate takes notice on behalf of the 1st respondent and Mr.M.Sarangan, learned Additional Government Pleader takes notice on behalf of the respondents 2 to 4. Considering the nature of order proposed to be passed in this Writ Petition, notice to the 5th respondent is dispensed with.

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

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4.The learned counsel appearing for the petitioner submitted that the impugned eviction notice has been issued to the petitioner without providing any opportunity of hearing to him to put forth his case. Therefore, on this ground, the impugned eviction notice is liable to be quashed.

5.The learned Additional Government Pleader for the respondents 2 to 4, on instructions, submitted that pursuant to the directions of this Court dated 30.11.2022 made in W.P.(MD)No.27102 of 2022, the 4th respondent issued the impugned notice.

6.A perusal of the records shows that the 4th respondent has not given any opportunity of hearing to the petitioner to put forth his case. Therefore, we have no hesitation to set aside the impugned eviction notice, accordingly, the same is set aside. Therefore, this Writ Petition stands allowed with a direction to the official respondents to survey the roads in question in the presence of the petitioner as well as any other interested parties and if there is any



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encroachment, remove the same, after providing sufficient opportunity of hearing to the parties concerned and by following due process of law. We make it clear that the petitioner shall also co-operate with the process of survey and removal of encroachment. Such an exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

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

01.03.2023

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

MYR

To

1.The District Collector,
Tenkasi District, Tenkasi.

2.The Union Commissioner,
Guruvikulam Panchayat Union,
Tenkasi District.

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3.The Block Development Officer,
(Village Panchayat), Guruvikulam Panchayat Union,
Tenkasi District.

4.The Village Panchayat President,
North Guruvikulam Village, Thiruvenkatam Taluk,
Tenkasi District.

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