



W.P(MD)No.13913 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 15.06.2023

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

**W.P(MD)No.13913 of 2023
and
W.M.P(MD)No.11747 of 2023**

K.P.Loganathan

... Petitioner

Vs.

- 1.The District Collector,
Tiruchirappalli District.
- 2.The Revenue Divisional Officer,
Lalgudi,
Tiruchirappalli District.
- 3.The Tahsildar,
Manachanallur Taluk,
Tiruchirappalli District.
- 4.The President / Executive Officer,
Koothoor Panchayat,
Manachanallur Taluk,
Tiruchirappalli District.
- 5.R.Senthilkumar

... Respondents



W.P(MD)No.13913 of 2023

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, to call for the records in pursuance of the impugned notice dated 10.05.2023 issued by the fourth respondent in respect of Natham Survey No.203/14 and 203/15 Koothoor Panchayat, Manachanallur Union, Tiruchirappalli District and quash the same.

For Petitioner : Mr.J.Barathan

For Respondents : Mr.K.Balasubramani
Special Government Pleader
for R.1 to R.4

Notice Dispensed With for R.5

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Special Government Pleader appearing for the respondents 1 to 4. Considering the nature of relief to be granted, issuance of notice to the fifth respondent is dispensed with.

2. The fifth respondent herein filed W.P(MD)No.14547 of 2019 for removing encroachment allegedly made by the petitioner herein in the petition mentioned channel and public pathway. The writ petition was disposed of on 13.10.2022 in the following terms:



W.P(MD)No.13913 of 2023

WEB COPY

“4. In view of the above, without going into the merits of the claim made by the petitioner, the respondents 1 to 4 are directed to consider the petitioner's representation dated 25.03.2019 and pass appropriate orders, if not already disposed of, on merits and in accordance with law. If there is any encroachment as pointed out by the petitioner, the same shall be removed, after giving due notice to all the parties concerned and by following due process of law, within a period of eight (8) weeks from the date of receipt of a copy of this order.”

Pursuant to the said direction, the impugned order had been passed. The impugned order straightaway calls upon the petitioner to remove the alleged encroachment within seven days. The petitioner has not been given any notice. No enquiry has been held. However, we are not inclined to set aside the impugned order on this ground. The impugned order shall be treated as a show cause notice. The petitioner is given four weeks time from today (15.06.2023) to offer his response to the impugned notice. The fourth respondent shall consider the same and act as per the direction set out in the order dated 13.10.2022 made in W.P(MD)No.14547 of 2019.



W.P(MD)No.13913 of 2023

3. This writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [B.P., J.]
15.06.2023

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

To

- 1.The District Collector,
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Tiruchirappalli District.
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W.P(MD)No.13913 of 2023

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and

B.PUGALENDHI, J.

MGA

W.P(MD)No.13913 of 2023

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