



W.P.(MD) No.13875 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.06.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD) No.13875 of 2023
and
W.M.P.(MD) Nos.11709 and 11710 of 2023**

R.Jeyaprakash

... Petitioner

-VS-

1. The Executive Officer,
Palamedu Town Panchayath, Palamedu,
Madurai District.

2. The Tahsildar,
Vadipatti, Madurai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records pertaining to the proceedings of the 1st respondent in Na.Ka. No. 27/2022 dated 03.05.2023 and to quash the same.



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For Petitioner : Mr.T.S.Mohamed Mohideen

For Respondents : Mr.P.Thilak Kumar
Government Pleader for R1

Mr.A.Baskaran
Additional Government Pleader for R2

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

Mr.P.Thilak Kumar, learned Government Pleader takes notice for the first respondent and Mr.A.Baskaran, learned Additional Government Pleader takes notice for second respondent.

2. With the consent of both sides, the writ petition is taken up for final hearing at the admission stage itself.

3. The grievance of the petitioner is that the impugned order of eviction has been passed relying upon the judgment of a civil court in a suit in O.S.No.982 of 2017 to which, he is not a party. We do not think that such a



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grievance could be entertained.

4. Once it is found that the petitioner has encroached upon the land which is a public pathway as per revenue records, the Municipal authorities are entitled to take action under Section 182 of the Tamil Nadu District Municipalities Act, 1920, since the area in question is the town panchayat.

5. Mr.T.S.Mohamed Mohideen, learned counsel appearing for the petitioner would however contend that he is entitled to hearing before the eviction order is implemented.

6. Even though the provisions under Section 182 of the Act do not contain any requirements, the principle of natural justice must be complied with. Hence, the impugned order will be treated as a show cause notice and the petitioner will submit his explanation within a period of fifteen (15) days from today. The authority concerned will consider the explanation and pass appropriate orders.



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7. The writ petition is disposed of with the above direction. No costs.

Consequently, the connected miscellaneous petitions are closed.

[R.S.M., J.] [L.V.G., J.]

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NCC : No
Index : No
Internet : Yes
PKN



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