



W.P(MD)No.1966 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2023

CORAM:

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

**W.P(MD)No.1966 of 2023
and
W.M.P(MD)No.1737 of 2023**

Thangaselvi

... Petitioner

VS.

- 1.The District Collector,
Thoothukudi District,
Thoothukudi.
- 2.The Assistant Director – Panchayats,
O/o.Assistant Director – Panchayat,
Tirunelveli.
- 3.The Tahsildar,
Taluk Office,
Thiruchendur Taluk,
Thoothukudi District.
- 4.The Executive Officer,
Udankudi Town Panchayat,
Thiruchendur Taluk,
Thoothukudi District.

... Respondents



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WEB C **PRAYER :** Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned communication in Na.Ka.No. 449/2022/A1 dated 08.12.2022 issued by the fourth respondent and set aside the same and further to allow the petitioner to enjoy her property without any interference.

For Petitioner : Mr.V.Rajiv Rufus

For RR 1 to 3 : Mr.K.Balasubramani
Special Government Pleader

ORDER

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

Challenging the impugned communication issued by the fourth respondent dated 08.12.2022, the petitioner has filed the present Writ Petition.

2. The learned counsel appearing for the petitioner submitted that without giving an opportunity to the petitioner, the impugned notice has been issued by the fourth respondent, dated 08.12.2022. Therefore, the same is liable to be set aside.



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3. The learned Special Government Pleader appearing for the respondents 1 to 3, on instructions, submitted that the impugned eviction notice shall be treated as show-cause notice if the petitioner submits her explanation/objection.

4. In response to the said submission, the learned counsel appearing for the petitioner seeks time to submit the explanation/objection of the petitioner.

5. Considering the fact that the impugned eviction notice has been issued without giving any show cause notice to the petitioner to put forth her case, the impugned eviction notice is treated as show cause notice and the petitioner is directed to file her explanation/objection to the same, placing all the materials in support of her claims before the authority concerned within a period of four weeks from the date of receipt of a copy of this order. On receipt of such explanation/objection, the authority concerned 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. If it is



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found by the authorities concerned that the petitioner has encroached in the said survey number, such encroachment shall be removed forthwith by following due process of law, without causing any further delay.

6. With the above directions, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K.,J.] [R.V.,J.]
01.02.2023

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



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

ps

ORDER MADE IN
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DATED : 01.02.2023