



W.P.(MD)No.28798 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD)No.28798 of 2023

and

W.M.P.(MD)No.24843 of 2023

M.Sekar

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District, Tirunelveli.

2.The Tahsildar,
Radhapuram Taluk, Tirunelveli District.

3.The Executive Officer,
Panangudi Town Panchayat,
Radhapuram Taluk, Tirunelveli 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 impugned orders passed by the 3rd respondents in Na.Ka.No.263/2023, dated 23.11.2023 in Survey No. 1110/1D & 1115 and quash the same as illegal.



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For Petitioner : Mr.K.Anand
For Respondents : Mr.S.P.Maharajan,
Special Government Pleader

ORDER

(Order of the Court was made by ***S.M.SUBRAMANIAM, J.***)

The notice dated 23.11.2023 issued by the Executive Officer, Panangudi Town Panchayat, Radhapuram Taluk, Tirunelveli District is under challenge in this Writ Petition.

2.The learned counsel appearing for the petitioner mainly contended that no show cause notice was issued before passing the impugned order and thus, the petitioner is deprived from submitting his objections. Therefore, the impugned order is in violation of principles of natural justice.

3.The learned Special Government Pleader appearing for the respondents has raised an objection by stating that Section 128 of the Tamil Nadu Urban Local Bodies Act, 1998 confers power to the authority to remove the



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encroachment from public place. He further submitted that the respondents have no objections to treat the impugned order as show cause notice and the petitioner may be granted liberty to submit his objections if any within a period of seven (7) days. After receiving the objections if any from the petitioner, the authorities shall consider the same and thereafter, pass final orders and proceed with the removal of encroachment.

4. In view of the submissions made by the learned Special Government Pleader appearing for the respondents, the impugned order dated 23.11.2023 passed by the 3rd respondent has been converted as show cause notice and the petitioner is at liberty to submit his explanation / objection along with documents, if any, within a period of ten (10) days from today (06.12.2023). On receipt of such explanation / objection, if submitted, the respondents shall consider the same and identify the encroachments, if any and thereafter, proceed with the removal of all such encroachments.



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5. With this direction, this Writ Petition stands disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

(S.M.S., J.) & (V.L.N., J.)

06.12.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

Yuva

To

1. The District Collector,
Tirunelveli District, Tirunelveli.
2. The Tahsildar,
Radhapuram Taluk, Tirunelveli District.
3. The Executive Officer,
Panangudi Town Panchayat,
Radhapuram Taluk, Tirunelveli District.



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AND

V.LAKSHMINARAYANAN, J.

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