



W.P.No.25488 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.08.2024

CORAM :

THE HON'BLE MR.D.KRISHNAKUMAR, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.B.BALAJI

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RAVIRAJAN

.. Petitioner

Vs

1. THE TAHSILDAR
SENDHURAI TALUK,
ARIYALUR DISTRICT.

2. THE BLOCK DEVELOPMENT OFFICER(VILLAGE PANCHAYAT)
SENDHURAI, ARIYALUR DISTRICT.

3. THE PRESIDENT
PAALAIYAKUDI PANCHAYAT,
SENDHURAI PANCHAYAT UNION,
ARIYALUR DISTRICT.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus to call for the records relating to the proceedings in Na.Ka.No.A2/2850/2023 signed on 21.8.2024 on the file of the 2nd respondent herein and quash the same and consequently direct the respondents to survey the land properly and find out the encroachments and lay the road pursuant to the representation of the petitioner dated 9.8.2024.

For the Petitioner

: Mr.V.Illanchezian



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For Respondents

: Mr.A.Edwin Prabakar
State Government Pleader

ORDER

(Order of the Court was made
by the Hon'ble Acting Chief Justice)

Calling in question the order dated 21.8.2024 issued by the second respondent directing removal of the encroachment, the petitioner has filed this writ petition.

2. Learned counsel for the petitioner submits that the petitioner and other villagers have made a representation to the respondent authorities to re-survey the road and thereafter take steps to remove the encroachment, if any. However, the respondent authorities, without considering the said representation, have passed the impugned order dated 21.8.2024, without affording an opportunity to the petitioner.

3. Learned State Government Pleader submitted that the petitioner may submit his explanation treating the impugned order as a show cause notice and, upon considering the same, the



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respondents shall proceed in accordance with law.

4. Considering the aforesaid submissions made, we direct the petitioner to submit his explanation to the impugned order dated 21.8.2024, treating it to be a show cause notice, within one week from the date of receipt of a copy of this order. Upon receipt of the said representation, the respondent authorities shall pass appropriate orders, on merits and in accordance with law, within twelve weeks thereafter. If, eventually, any encroachment is found, it is for the respondents to proceed in accordance with law. Till the conclusion of the aforesaid exercise, no coercive action shall be taken against the petitioner.

The writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, W.M.P.Nos.27851 and 27855 of 2024 are closed.

(D.K.K., ACJ.) (P.B.B, J.)
30.08.2024

Index : Yes/No
NC : Yes/No
sasi



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To:

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THE HON'BLE ACTING CHIEF JUSTICE
AND
P.B.BALAJI, J.

(sasi)

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