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W.P.(MD) No.1553 of 2024

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 13.02.2024**

**CORAM:**

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

**W.P.(MD) No.1553 of 2024  
and  
W.M.P.(MD) No.1556 of 2024**

J.Seeli

... Petitioner

-vs-

- 1.The District Collector  
Tirunelveli District
- 2.The Block Development Officer  
Radhapuram, Tirunelveli District
- 3.The Tahsildar  
Thisayanvilai Taluk  
Tirunelveli District
- 4.The President  
Uvari Panchayat  
Uvari, Radhapuram Taluk  
Tirunelveli District
- 5.D.George
- 6.Josephine Mary Anusha
- 7.Selva Jeniba

... Respondents



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**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari calling for the records relating to the impugned order dated 11.01.2024, passed by the fourth respondent enclosing the order dated 23.11.2023 in Na.Ka.No.E1/2795/2023, passed by the third respondent and the consequential order dated 11.12.2023 in Na.Ka.No.Aa3/3625/2022, passed by the second respondent and quash the same.

For Petitioner : Mr.J.Barathan

For Respondents : Mr.T.Amjadkhan  
Government Advocate for R1 & R3  
Mr.N.Satheesh Kumar  
Additional Government Pleader for R4  
Mr.S.Chandrasekar for R7

### **ORDER**

**[Order of the Court was made by D.KRISHNAKUMAR, J.]**

Prayer in this writ petition is to quash the notice dated 11.01.2024, passed by the fourth respondent, directing the petitioner to remove the encroachment made by the petitioner, within a period of fifteen days.



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**2.** According to the petitioner, she was not given an opportunity to submit her objections before the impugned notice is issued.

**3.** A perusal of the impugned notice shows that though it appears to be one as a show-cause notice, the terms of the said notice indicate that it is a final order directing removal of encroachments made by the petitioner. Further, there is no reference with regard to the objections of the petitioner were called for.

**4.** In the said circumstances, this Court is inclined to pass the following orders:

- (i) The writ petition is allowed.
- (ii) The impugned notice, dated 11.01.2024, issued by the fourth respondent, is quashed, on the ground of violation of principles of natural justice.
- (iii) The impugned notice, dated 11.01.2024, issued by the fourth respondent, shall be treated as a show-cause.



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- (iv) The petitioner is directed to submit her objections / explanations to the show-cause notice along with a copy of this order, within a period of two weeks from the date of receipt of a copy of this order.
- (v) After receiving the objections / explanations from the petitioner as directed above, the fourth respondent shall pass appropriate orders on merits and in accordance with law for removal of encroachments, within a period of eight weeks thereafter.
- (vi) It is needless to state that if the petitioner is found to have made encroachment in the subject property, necessary steps shall be taken for removal of the same in accordance with law.
- (vi) No costs. Consequently, connected miscellaneous petition is closed.

**[D.K.K., J.] [R.V., J.]**  
**13.02.2024**  
(1/2)

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



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To:

- 1.The District Collector,  
Tirunelveli District.
- 2.The Tahsildar,  
Thisayanvilai Taluk,  
Tirunelveli District.
- 3.The President,  
Uvari Panchayat,  
Uvari, Radhapuram Taluk,  
Tirunelveli District.



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

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