



W.P.(MD) No.2508 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.02.2024

CORAM:

THE HONOURABLE **MR.JUSTICE D.KRISHNAKUMAR**

AND

THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

W.P.(MD)No.2508 of 2024

and

W.M.P.(MD)Nos.2500 and 2502 of 2024

Jeyapal

... Petitioner

-Vs-

1.The Block Development Officer,
Vadipatti Panchayat Union,
Vadipatti, Madurai.

2.The Tahsildar,
Vadipatti Taluk, Madurai District.

3.The Panchayat President,
Andipatti Panchayat,
Vadipatti Taluk, 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 in pursuant to the impugned eviction order issued by the 3rd respondent dated 04.01.2024 as illegal and quash the same.

For Petitioner : Mr.S.M.Mohan Gandhi

For Respondents : Mr.N.Satheesh Kumar,

Additional Government Pleader



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ORDER

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

By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2.The primordial contention of the petitioner is that the 3rd respondent has issued the impugned notice without providing any opportunity to the petitioner. Therefore, the same is liable to be quashed on the ground of violation of principles of natural justice.

3.Mr.N.Satheesh Kumar, learned Additional Government Pleader, who takes notice for the respondents, is not in a position to satisfy this Court that the impugned eviction order is passed only after granting opportunity to the petitioner.

4.In view of the above, the order impugned dated 04.01.2024 issued by the 3rd respondent is to be construed as a show cause notice, enabling the petitioner to submit his objections along with documents, if any. Therefore, the writ petitioner is at liberty to submit his objections within a period of 15 days



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from the date of receipt of a copy of this order. On receipt of such objections, if any from the petitioner, the 3rd respondent shall identify the encroachments by conducting survey, if not already conducted and proceed further to remove the encroachments. The said exercise is directed to be completed within a period of eight (8) weeks from the date of receipt of a copy of this order. Till such time, the respondents shall not take any coercive action against the petitioner.

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

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

07.02.2024

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

Yuva

To

1. The Block Development Officer,
Vadipatti Panchayat Union,
Vadipatti, Madurai.
2. The Tahsildar,
Vadipatti Taluk, Madurai District.
3. The Panchayat President,
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Vadipatti Taluk, Madurai District.



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