



WEB COPY

W.P.(MD)No.2565 of :



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 06.08.2024

CORAM

**THE HONOURABLE MR JUSTICE D.BHARATHA
CHAKRAVARTHY**

W.P.(MD)No.2565 of 2023
and
W.M.P.(MD)No.2329 of 2023

P.S.P.Rathinasamy

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Executive Magistrate / Sub-Collector,
Cheranmagadevi, Tirunelveli District,
Tirunelveli.

3.The Tahsildar,
Radhapuram Taluk,
Tirunelveli District.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the impugned order dated 28.01.2023 under reference Na.Ka.No.AA1/160/2022 passed by the second respondent as against the petitioner and subsequently set aside the same as illegal, arbitrary and erroneous forthwith.

For Petitioner : Mr.S.Palani Velayutham

For Respondents : Mr.M.Muthumanikkam,
Government Advocate(Crl.side)

**ORDER**

This writ petition is filed challenging the impugned proceedings dated 28.01.2023.

2.On a perusal of the same, the respondents directed the petitioner that drawal of water should be stopped within 48 hours. It can be seen that the petitioner has earlier approached this Court by filing W.P.(MD)No.4860 of 2020 and by an order dated 10.03.2020, this Court had directed the respondents to issue show case notice before taking any action and at the same time. a direction was also given directing the petitioner herein to give explanation. The petitioner had submitted a detailed explanation dated 14.12.2022. It is the case of the petitioner that he has been given due permissions.

3.A perusal of the impugned order, it admits that the petitioner had submitted a written explanation. Except by stating so, thereafter, the impugned order proceeds that the respondents inspected the property and directions are given. When this Court has directed the respondents to issue showcase notice and decide the matter, it is imperative on the part of the respondents to consider the objections, if any, and give reasons for and if they find that the objections are sustainable, they should accept the same



and drop all further proceedings. And if they find that the objections are not acceptable to them, then due reasons have to be given and an order should be passed. In this case, the impugned order is absolutely non speaking with reference to the explanation submitted by the petitioner.

4.In view thereof, the impugned order dated 28.01.2023 shall stand quashed, however, with liberty to the respondents to consider the explanation submitted by the petitioner on 14.12.2022 and pass orders afresh. If the respondents choose to pass orders afresh, they have to give an opportunity of personal hearing the petitioner. Accordingly, this writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

06.08.2024

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

To

- 1.The District Collector,
Tirunelveli District, Tirunelveli.
- 2.The Executive Magistrate / Sub-Collector,
Cheranmagadevi, Tirunelveli District,
Tirunelveli.
- 3.The Tahsildar,
Radhapuram Taluk,



Tirunelveli District.

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D.BHARATHA CHAKRAVARTHY, J.

gns

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