



W.P.(MD) No.6729 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.03.2024

CORAM:

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

AND

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

W.P.(MD)No.6729 of 2024

and

W.M.P.(MD)No.6254 of 2024

K.Ramdoss

... Petitioner

-Vs-

1.The District Collector,
Trichy.

2.The Assistant Commissioner,
Trichy Corporation,
Trichy.

3.The Tahsildar,
Thiruverumbur Taluk,
Trichy.

4.The Town Surveyor,
Thiruverumbur Taluk,
Trichy.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to set aside the impugned order passed by the 2nd respondent vide his proceedings in Na.Ka.No.F1/833/2023 (Class III), dated



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01.09.2023 and quash the same as illegal in the light of Section 7 of the Tamil Nadu Encroachment Act, 1905 and consequentially, direct the 2nd respondent to consider the petitioner's reply letter dated 14.09.2023.

For Petitioner : Mr.G.Anto Prince
For R1, R3 & R4 : Mr.S.P.Maharajan,
Special Government Pleader
For R2 : Mr.K.R.Kishore Ram,
for M/s.R.B.Law Associates

ORDER

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

Challenging the eviction notice dated 01.09.2023 issued by the 2nd respondent, this Writ Petition is filed with a consequential direction to the 2nd respondent to consider the petitioner's reply letter dated 14.09.2023.

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

3.The learned counsel appearing for the petitioner submits that without providing any show cause notice to the petitioner, the 2nd respondent issued the



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present impugned eviction notice and therefore, the same is liable to be set aside on the ground of violation of principles of natural justice.

4.The learned counsel appearing for the 2nd respondent fairly agreed that no show cause notice has been served to the petitioner and there is no such reference even in the impugned order. Therefore, the impugned order may be treated as show cause notice, enabling the petitioner to submit his explanation / objection before the authority concerned.

5.In view of the said submission made by the learned counsel for the 2nd respondent, the impugned order of the 2nd respondent dated 01.09.2023 is directed to be treated as show cause notice and the petitioner is directed to submit his explanation / objection before the 2nd respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the 2nd respondent is directed to consider the same and pass appropriate orders on merits and in accordance with law, after providing opportunity to all the parties concerned within a period of eight weeks from the date of receipt of the explanation / objection from the petitioner.



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6. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.] & [R.V., J.]
20.03.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

Yuva

To

1. The District Collector,
Trichy.

2. The Assistant Commissioner,
Trichy Corporation,
Trichy.

3. The Tahsildar,
Thiruverumbur Taluk,
Trichy.

4. The Town Surveyor,
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AND

R.VIJAYAKUMAR, J.

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