



WP(MD). No.11308 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 22/05/2024

CORAM

THE HON'BLE Ms.JUSTICE R.N.MANJULA

and

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

WP(MD). No.11308 of 2024

and

W.M.P(MD)No.10052 of 2024

P.Kalarani

... Petitioner

Vs

1.The District Collector,
Dindigul District,
Dindigul.

2.The Tahsildar,
Kodaikanal Taluk,
Kodaikanal,
Dindigul District.

3.The Executive Officer,
Pannaikadu Town Panchayat,
Kodaikanal Taluk,
Dindigul District.

4.A.P.Krishnan

... Respondents



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PRAYER :- Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, calling for the records relating to the impugned notice issued by the third respondent in his proceedings in Na.Ka.No.314/2022 dated 17.05.2024 and quash the same.

For Petitioner : Mr.B.Prahalad Ravi
For R-1 to R-3 : Mr.A.Kannan,
Additional Government Pleader

ORDER

(Order of the Court was made by R.N.MANJULA, J)

The petitioner has filed this writ petition challenging the notice dated 17.05.2024 issued by the third respondent alleging that the petitioner has encroached certain portions comprised in Survey No.153/1 measuring an extent of 0.00.04 sq. mtr., at Pannaikadu Town Panchayat, Kodaikanal Taluk, Dindigul District.

2. Heard Mr.B.Prahalad Ravi, learned counsel for the petitioner and Mr.A.Baskaran, learned Additional Government Pleader for respondents 1 to 3.



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3. The only grievance of the petitioner is that the impugned notice has been issued without giving any opportunity to the petitioner or without conducting any enquiry.

4. The learned Additional Government Pleader submitted that in pursuant to the direction issued by this Court in an earlier writ petition filed by the fourth respondent in W.P(MD)No.30753 of 2023, a survey has been conducted, in which, it was found that the petitioner has encroached certain portions of the Government lands.

5. However, the petitioner claims that before passing orders in the earlier writ petition, no opportunity of hearing was granted to her.

6. This Court is of the view that even if measurements have been taken, it is appropriate on the part of the respondents to give notice to the petitioner either before the measurements is done or at least after it was found from the survey report that encroachments have been made by the petitioner. But, the impugned notice does not refer any such notice given to the petitioner prior to the measurements taken through the Surveyor or



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after furnishing the survey report to the petitioner and giving her an opportunity to make her submission.

7. As the fundamental principles of natural justice has not been complied before the impugned notice has been issued, the impugned notice is liable to be set aside.

8. At this juncture, the learned Additional Government Pleader submitted that the impugned notice be treated as a notice.

9. In such case, the petitioner is at liberty to submit her explanation if any to the third respondent, to the impugned notice, dated 17.05.2024, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such explanation from the petitioner, the respondents shall 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 four weeks thereafter.



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10. With the above directions, this writ petition is **disposed of**.

No costs. Consequently connected Miscellaneous Petition is closed.

(R.N.M, J.) (C.K.,J.)
22.05.2024

NCC : Yes/No
Index : Yes/No

PM

To

1.The District Collector,
Dindigul District,
Dindigul.

2.The Tahsildar,
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