



W.P(MD)No.13487 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.01.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.13487 of 2020

and

W.M.P.(MD)No.11249 of 2020

1.R.Rakesh

2.R.Rahul

... Petitioners

Vs.

1.The District Collector,
Theni District,
Theni.

2.The Block Development Officer (Village Panchayat),
Theni Panchayat Union,
Theni District.

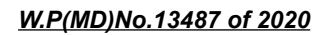
3.The President/Executive Officer,
Seelayampatti Village Panchayat,
Theni District.

... 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 records relating with the impugned notice issued by the 3rd respondent, in Na.Ka.No.01/2020 dated 13.08.2020 and quash the same as it is arbitrary and illegal.

For Petitioner : Mr.R.Suriyanarayanan

For Respondents : Mr.K.S.Selvaganesan
Additional Government Pleader



Heard both sides.

3. When the matter was taken up for hearing, the learned Additional Government Pleader submitted that similar writ petitions were allowed and in the writ appeal filed by the local body, the Hon'ble Division Bench had granted interim stay on 10.08.2021 in W.A.(MD)No.1556 of 2021. The impugned order has been passed without putting the petitioners on notice. According to the respondents, the petitioners have been illegally taking water from their bore well to another place which is located at a distance of almost 8 kilometers. I do not want to go into the factual aspects. The impugned order is set aside only on the ground of violation of principles of natural justice. It is always open to the respondents to issue proper notice to the petitioners herein and after giving opportunity to the petitioners, pass an appropriate order on merits and in accordance with law.



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4. With this liberty to the respondents, the Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

11.01.2024

Index : Yes / No
Internet : Yes/ No
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To

- 1.The District Collector,
Theni District,
Theni.
- 2.The Block Development Officer (Village Panchayat),
Theni Panchayat Union,
Theni District.
- 3.The President/Executive Officer,
Seelayampatti Village Panchayat,
Theni District.



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G.R.SWAMINATHAN, J.

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