



**W.P.(MD)No.12603 of 2023**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 08.03.2024**

WEB COPY

**CORAM:**

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

**and**

**THE HONOURABLE MR.JUSTICE P.DHANABAL**

**W.P.(MD)No.12603 of 2023**

**and**

**W.M.P.(MD)No.10645 of 2023**

M.Lakshmi

: Petitioner

Vs.

1.The District Collector,  
Sivagangai District,  
Sivagangai.

2.The Tahsildar,  
Ilaiyangudi Taluk,  
Ilalaiyangudi,  
Sivagangai District.

3.The President,  
Katchathanallur Panchayat,  
Katchathanallur,  
Ilaiyangudi Taluk,  
Sivagangai District.

: Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorari, to call for the records



**W.P.(MD)No.12603 of 2023**

pertaining to the impugned notice issued by the third respondent dated 15.05.2023 thereby invoking Section 131(2) of the Tamil Nadu Panchayat Act, 1994 and quash the same.

For Petitioner : Mr.B.Prahalad Ravi

For Respondents : Mr.T.Amjad Khan

Government Advocate

### **O R D E R**

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

This Writ Petition has been filed seeking to quash the impugned notice issued by the third respondent dated 15.05.2023 invoking Section 131(2) of the Tamil Nadu Panchayat Act, 1994.

**2.**Heard Mr.B.Prahalad Ravi, learned Counsel for the petitioner and Mr.T.Amjad Khan, learned Government Advocate for the respondents.

**3.**According to the petitioner, the third respondent has issued the impugned notice dated 15.05.2023, directing the petitioner to remove the encroachments made by him in the property in Survey No.127/1, which according to them is classified as 'Sarkar Poromboke Vandi Paathai'.



**W.P.(MD)No.12603 of 2023**

**4.** Learned Counsel for the petitioner submitted that without providing any opportunity to the petitioner, the said order has been passed and therefore, there is violation of principles of natural justice.

**5.** The learned Government Advocate for the respondents fairly submitted that there is no reference in the impugned order with regard to providing opportunity to the petitioner. Therefore, the said impugned notice shall be treated as show cause notice and if any objection is made to the respondent Panchayat, the same will be considered by following the procedures as contemplated under law.

**6.** In the light of the submission made by the learned Government Advocate for the respondents, we are of the view that the aforesaid impugned order shall be treated as show cause notice and the petitioner is directed to make his objection or representation to the respondent Panchayat within a period of two [2] weeks from the date of receipt of a copy of this order and on such objection being made, the respondent Panchayat is directed to take appropriate decision by following the procedures contemplated under law and the same shall be communicated to the petitioner within a period of six [6] weeks thereafter.



**W.P.(MD)No.12603 of 2023**

7. With the aforesaid direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

**[D.K.K.,J.] & [P.D.B.,J.]**  
**08.03.2024**

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR



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To

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Sivagangai District,  
Sivagangai.

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Ilaiyangudi,  
Sivagangai District.

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***W.P.(MD)No.12603 of 2023***

**D.KRISHNAKUMAR, J.**  
**and**  
**P.DHANABAL, J.**

MR

**ORDER MADE IN**  
**W.P.(MD)No.12603 of 2023**

**08.03.2024**