



W.P(MD)No.17176 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.02.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P(MD)No.17176 of 2018
and
W.M.P(MD)Nos.15122 & 15123 of 2018**

S.J.Seenivasan

... Petitioner

vs.

The Executive Officer,
Thevaram Special Grade Town Panchayat,
Theni District.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the records relating with the impugned notice in Na.Ka.No.02/2018, dated 11.07.2018 issued by the respondent and quash the same as it is arbitrary and illegal.

For Petitioner : Mr.R.Suriyanarayanan

For Respondent : Mr.S.P.Maharajan,
Special Government Pleader



W.P(MD)No.17176 of 2018

WEB COPY

ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

The petitioner has filed this writ petition challenging the impugned notice issued by the respondent in Na.Ka.No.02/2018, dated 11.07.2018.

2. The writ petition is of the year 2018. But, no counter affidavit has been filed by the respondent till date. Therefore, we are constrained to take up the writ petition for final disposal and pass orders, based on the available materials.

3. The short ground raised by the petitioner for quashing of the impugned notice is that before issuing the impugned notice, as per G.O.Ms.No.540 Revenue(LD6(2)] Department, dated 04.12.2014, directing the petitioner to vacate the property on or before 25.07.2018, no show-cause notice is issued to the petitioner calling for explanation or objection. According to the petitioner, since no show-cause notice has been served on the petitioner, there is violation of principles of natural justice and on the said ground, the impugned order is liable to be set aside.

2/5



W.P(MD)No.17176 of 2018

WEB COPY

4. A perusal of the impugned order clearly shows that there is no reference about granting of opportunity to the petitioner and therefore, we have no hesitation to interfere with the impugned notice.

5. In the result, this writ petition stands allowed and the impugned order of the respondent, dated 11.07.2018, is hereby set aside with liberty to the respondent to proceed in accordance with law. Such exercise shall be completed within a period of 12 weeks from the date of receipt of this order. The petitioner is also directed to produce relevant documents before the respondent within a period of one week from the date of receipt of a copy of this order. No Costs. Consequently, connected Miscellaneous Petitions are closed.

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

27.02.2024

NCC : Yes / No
Index : Yes / No
PM



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and
R.VIJAYAKUMAR,J.

PM

ORDER MADE IN
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