



W.P(MD)No.22834 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 24.09.2024

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

**W.P(MD)No.22834 of 2024
and
W.M.P(MD)No.19366 of 2024**

K.Venkatasubramanian

... Petitioner

Vs.

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The Director,
Town and Country Planning Authority,
Thanjavur District.

3.The Block Development Officer,
Thirupananthal,
Thanjavur District.

4.The Tahsildar,
Thiruvidaimaruthur Taluk,
Thanjavur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari calling for the records relating to the impugned order passed



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by the third respondent vide its proceedings in Na.Ka.No.187/2020/A2 dated 16.09.2024 and quash the same as illegal.

For Petitioner : Mr.Ajmal Khan
Senior Counsel
for M/s.Ajmal Associates

For Respondents : Mr.K.Balasubramani
Special Government Pleader
for R.1, R.2 & R.4

Mr.J.K.Jeyaseelan
Government Advocate for R.3

ORDER

Heard the learned Senior Counsel appearing for the writ petitioner, the learned Special Government Pleader appearing for the respondents 1, 2 and 4 and the learned Government Advocate appearing for the third respondent.

2.The petitioner is a trust. They challenge the impugned communication dated 16.09.2024 issued by the Block Development Officer, Thirupananthal calling upon the petitioner to remove the petition mentioned encroachments.

3.As rightly pointed out by the learned Senior Counsel for the petitioner, this communication has not been preceded by any notice. It is on the face of it in violation of the principles of natural justice. On this ground, we are



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not inclined to interfere for the simple reason that the third respondent is only proposing to take action as per law. In other words, before any adverse action is taken against the petitioner, notice has to be issued and due process of law will have to be complied with. Therefore, the petitioner need not have any cause for worry. We also endorse the stand of the learned Senior Counsel that the third respondent lacks the authority or jurisdiction to issue the impugned notification. In fact, as stated by the learned Special Government Pleader, the petitioner will not be at a loss even if he ignores the impugned communication.

4. With this observation, this writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [B.P., J.]
24.09.2024

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
MGA

To

1. The District Collector,
Thanjavur District,
Thanjavur.



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and

B.PUGALENDHI, J.

MGA

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