



W.P.(MD).No.26950 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 13.11.2024

CORAM

**THE HONOURABLE MR.JUSTICE M.S.RAMESH
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.P.(MD).No.26950 of 2024
and
W.M.P.(MD).No.22830 of 2024

P.Chinnakkannan

... Petitioner

Vs.

- 1.The Director,
Directorate of Land Reforms,
Director Society Security Scheme,
Chepauk, Chennai – 5.
- 2.The Tamil Nadu Madras Boomithana Board,
Ezhilagam,
Chepauk,
Chennai - 600 005.
- 3.The District Collector,
Dindigul District.
- 4.The District Revenue Officer,
Dindigul District.
- 5.The Sub Collector,
Palani,
Dindigul District.



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6.The Tahsildar,
Oddanchatram Taluk,
Dindigul District.

7.The Gandhi Seva Sangam,
Chatrapatti,
Oddanchatram,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the respondent no.6 in Na.Ka.No.651/2017/E2 dated 15.10.2024 and quash the same as illegal and consequently for a direction directing the respondents to allot the land in S.No.81/3B, Virupatchi Village, Oddanchatram Taluk, Dindigul District to this petitioner in light of the communication made by the first respondent to the fourth respondent dated 28.11.2014 within time stipulated by this Court.

For Petitioner : Mr.K.Dinesh

For R-1 to R-6 : Mr.S.Shaji Bino

Special Government Pleader

ORDER

(Order of the Court was made by M.S.RAMESH,J.)

By consent of both sides, the Writ Petition is taken up for final disposal at the stage of admission itself.



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2. It is the claim of the petitioner that the subject lands for which the impugned order of eviction dated 15.10.2024 was passed, was gifted by the petitioner's grandfather to the Tamil Nadu Boomithanam Board through a registered gift deed in Document No.104/1965. With such a claim, the learned counsel for the petitioner would submit that the present order of eviction is illegal since no opportunity was given to them before the order of eviction was passed.

3. It is trite law that any coercive action for eviction proceedings should be preceded by notice calling for the objections, in the absence of which, the order of eviction itself would be in violation of principles of natural justice and hence, cannot be legally sustained.

4. Admittedly, no prior notice was issued before the order of eviction dated 15.10.2024 was passed. The impugned order also does not make any reference to such a show cause notice. In this background, we deem it appropriate that the present impugned order, which narrates the entire facts of the respondents' case, can be directed to be treated as a show cause notice and consequently, the petitioner could be given opportunity to give his objections.



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5. In the light of the above observations, the impugned order passed by the sixth respondent dated 15.10.2024 is directed to be treated as a show cause notice calling upon the petitioner herein for rendering his objections within a period of 30 days from the date of receipt of a copy of this order. On receipt of such objections, if any, the sixth respondent herein shall consider the objections and pass a speaking order, after giving due opportunity to the petitioner, as expeditiously as possible.

6. Accordingly, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

(M.S.R.,J.) (A.D.M.C.,J.)
13.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm



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To

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