



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2025

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CORAM :
THE HONOURABLE MRS. JUSTICE N.MALA

Writ Petition No.14873 of 2025
and W.M.P.No.16770 of 2025

Kailasam @ Kailasa Kounder

... Petitioner

Vs.

The Special Officer cum Block
Development Officer,
Mangalam Gram Panchayat,
Mallasamuthiram Block,
Namakkal.

... Respondent

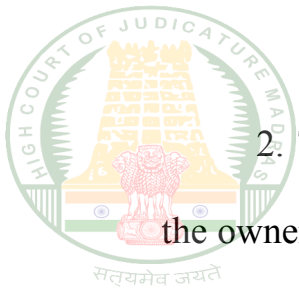
PRAYER: Writ Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Certiorari, calling for the records of the impugned notice dated 17.04.2025 issued by the respondent in his proceedings in Na.Ka.No.01/2025/A1 and quash the same.

For Petitioner : Mr.P.Saravana Sowmiyan
for Mr.W.Camyles Gandhi

For Respondent : Mr.N.Naveen Kumar
Government Advocate

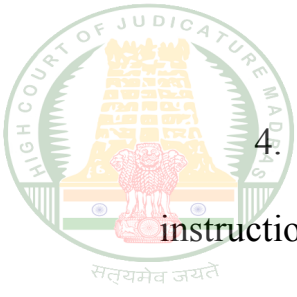
ORDER

The petitioner has filed this petition to call for the records of the impugned notice dated 17.04.2025 issued by the respondent in his proceedings in Na.Ka.No.01/2025/A1 and quash the same.



2. The petitioner, a resident of Mangalam Village in Namakkal District, is the owner of ancestral property in Survey Nos. 234/10, 234/9, 234/14, and 234/15, which was allotted to him through a family partition in 1977. To overcome financial constraints, he and his family sold the property to his son, C.K.Suresh, who later settled it back to the petitioner out of love and affection on 05.09.2024. The petitioner fenced the property to prevent trespassers and has been in peaceful possession. However, without proper enquiry or hearing, the respondent issued a notice dated 17.04.2025 directing him to remove the fence by 14.07.2025, alleging encroachment. The petitioner asserts that there is no encroachment on public land and that the notice violates his constitutional rights under Article 300A and principles of natural justice, prompting the present writ petition challenging the notice.

3. Learned counsel for the petitioner would submit that the respondent passed the impugned order dated 17.04.2025 without issuing any notice or affording an opportunity of personal hearing to the petitioner. It is further submitted that the petitioner has not caused any inconvenience to the general public by putting up a fence; the fencing was erected only around his own property.



4. Learned Government Advocate appearing for the respondent, on instructions, submitted that the petitioner had fenced his property without obtaining prior permission, which resulted in obstruction to the general public and hindered the movement of vehicles.

5. Heard the learned counsel on either side and perused the materials available on record.

6. In the case on hand, the main contention of the petitioner is that the respondent passed the impugned order dated 17.04.2025 without issuing any notice or affording an opportunity of personal hearing to the petitioner, thereby violating the Principles of Natural Justice. In addition, the photographs annexed to the affidavit of the petitioner's affidavit reveal that the petitioner has not obstructed the public road or hindered the movement of vehicles by fencing his property.

7. In view of the above, the impugned order dated 17.04.2025 is liable to be quashed and the same is hereby quashed. Consequently, the respondent is directed to conduct a fresh enquiry, after issuing due notice to the petitioner as well as to any aggrieved persons if any, affording an opportunity of personal hearing and



considering the documents filed by the parties. The respondent shall pass appropriate orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

8. With the aforesaid observation and direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

14.07.2025

vm/dsn

Index	:	Yes/No
Speaking Order	:	Yes/No
Neutral Citation	:	Yes/No

To:

The Special Officer cum Block
Development Officer,
Mangalam Gram Panchayat,
Mallasamuthiram Block,
Namakkal.



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W.P.No.14873



N.MALA,J.

vm/dsn

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