



W.P.No.37180 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.09.2025

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C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.37180 of 2025
and W.M.P.No.41614 of 2025

Gojan School of Business and Technology,
Represented by its Director
Edapalayam,
Redhills,
Chennai-600052.

... Petitioner

Vs

The Estate Officer,
Air Coimbatore
Air Force Station,
Avadi,
Chennai.

... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari to call for the records of the ex-parte impugned order dated 15.09.2025 and quash the same.

For Petitioner : Ms.Shri Varshini
for Mr.B.Govindaprabu

For Respondents : Mr.K.Seetharam



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ORDER

Challenging the ex-parte order passed by the respondent, the present Writ Petition has been filed.

2. Mr.K.Seetharam, learned counsel takes notice on behalf of the respondent.

3.It is the case of the petitioner that the petitioner is the absolute owner of the property comprised in Survey No.223/5A1 measuring an extent of 4 acres, Survey No.223/5A2, measuring an extent of 5 acres, situated at Nallur Village, Ponneri Taluk, Tiruvallur District. On 22.04.2019, notice under Section 4(1) & 4(2)(b)(ii) of Public Premises (Eviction of unauthorized occupants) Act 1971 was issued to the petitioner alleging that the petitioner had encroached the property belonging to the respondent. Subsequently, on 05.08.2025, a show cause notice came to be issued calling upon the petitioner to appear for enquiry as to the alleged encroachment. Since, the petitioner was not able to appear on the date of enquiry due to his medical illness and he had sought for adjournment of hearing date, however, without considering the same, the respondent had passed the ex-parte order. Challenging the same, the present Writ Petition has been filed.

4. Learned counsel for the petitioner submits that the ex-parte order passed by the respondent is bad in law as no opportunity of hearing was given to the



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petitioner before the passing the order which is in violation of principles of natural justice and that no proper enquiry was conducted by the respondent even prior to the issuance of show cause. Therefore, it is prayed that this Court may quash the order impugned in this Writ Petition and remand the matter back to the authority for fresh consideration.

5. Learned counsel appearing for the respondent while defending the impugned order, submitted that it is the non-appearance of the petitioner on the date of hearing as also the multiple adjournments which were sought for by the petitioner which has lead to the passing of an ex-parte order and therefore, the order passed by the respondent cannot be found fault with and does not warrant any interference at the hands of this Court.

6. This Court heard the learned counsel appearing on either side and perused the materials available on record.

7. The petitioner has challenged the ex-parte order passed by the respondent on the ground that no opportunity of hearing was given to the petitioner before passing the order while it is the claim of the respondent that though the petitioner was put on notice, he did not appear for enquiry inspite of repeated adjournments and therefore, the respondent was constrained to pass such an order. However, it is to be pointed out that the respondent before passing the ex-parte order has not put the petitioner on notice with regard to the ex-parte order that would be passed



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by the respondent which is in violation of principles of natural justice.

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8. In view of the reasons stated above, this Court is inclined to set aside the impugned order dated 15.09.2025 and accordingly, the same is hereby set aside.

The matter is remanded to the respondent for fresh consideration. The respondent is directed to conduct an enquiry between the parties and pass appropriate speaking orders in accordance with law, within a period of twelve (12) weeks from the date of receipt of a copy of this order, after affording an opportunity of personal hearing to the petitioner. The petitioner is directed to co-operate with the enquiry to be conducted by the respondent.

9. In the result, the Writ Petition is allowed in the above terms. No Costs. Consequently, the connected Miscellaneous Petition is closed.

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Index : Yes / No

Speaking Order / Non-speaking order

Neutral Citation Case : Yes / No

Nhs

To

The Estate Officer,
Air Coimbatore
Air Force Station,



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M.DHANDAPANI, J

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24.09.2025