



W.P.(MD) No.4562 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.02.2025

CORAM:

THE HONOURABLE **MRS.JUSTICE J.NISHA BANU**

AND

THE HONOURABLE **MRS.JUSTICE S.SRIMATHY**

W.P.(MD)No.4562 of 2025

and

W.M.P.(MD)Nos.3271, 3272 and 3274 of 2025

Rajendran

... Petitioner

-Vs-

1.The District Collector,
Kanyakumari District,
Kanyakumari.

2.The Revenue Divisional Officer,
Padmanabapuram, Kanyakumari District.

3.The Tahsildar,
Kalkulam Taluk,
Kanyakumari District.

4.The Executive Officer,
Villukuri Town Panchayat,
Villukuri Post, Kanyakumari District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned notice issued



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by the 4th respondent in Na.Ka.No.286/2018/A1, dated 29.01.2025 and quash the same as illegal.

For Petitioner : Mr.K.Sivabalan,
for M/s.Aran Legal Consultancy
For Respondents : Mrs.D.Farjana Ghoushia,
Special Government Pleader

ORDER

[Order of the Court was made by *J.NISHA BANU, J.*]

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

2.The eviction notice dated 29.01.2025 issued by the 4th respondent, directing the petitioner to remove the encroachment made in Survey No.494/13C situated at Villukuri Village, Panthapanaivilai, Kanyakumari District, is under challenge in this Writ Petition.

3.The learned counsel appearing for the petitioner would submit that before issuance of the impugned eviction order, the 4th respondent has not given any show cause notice, enabling the petitioner to put forth his case. Therefore, on that ground, the impugned eviction order is liable to be quashed.



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4.Mrs.D.Farjana Ghoushia, learned Special Government Pleader appearing for the respondents would submit that the 4th respondent has already issued show cause notice on 25.11.2024, for which, the petitioner has not given any reply. Therefore, the impugned eviction order is now issued.

5.The learned counsel appearing for the petitioner seeks indulgence of this Court that the present impugned eviction order may be treated as show cause notice, for which, the petitioner is ready to give his explanation.

6.In view of the above, the impugned eviction order dated 29.01.2025 is treated as show cause notice and the petitioner is directed to submit his explanation / objection to the same, enclosing all the relevant materials to substantiate his claim within a period of three weeks from the date of receipt of a copy of this order. On receipt of such explanation / objection, the authority concerned is directed to consider the same and pass appropriate orders on merits and in accordance with law, after affording sufficient opportunity to all the parties concerned within a period of four weeks thereafter. If there is any encroachment in the place in question, the same shall be removed by the authority concerned by following due process of law.



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WEB COPY 7. With the above direction, this Writ Petition is disposed of. No costs.

Consequently, connected miscellaneous petitions are closed.

[J.N.B., J.] & [S.S.Y., J.]
19.02.2025

NCC : Yes / No
Index : Yes / No

Yuva

To

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