



W.P(MD)No.5548 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.02.2025

CORAM:

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.P(MD)No.5548 of 2025
and
WMP(MD)No.4047 of 2025**

Kannan

... Petitioner

vs.

1.The District Collector / Monitoring Committee,
Dindigul District.

2.The Executive Officer,
Ayyalur Town Panchayat,
Dindigul District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the records relating to the impugned notice issued by the second respondent in Na.Ka.No.53/2024 dated 04.02.2025 and quash the same as illegal.



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For Petitioner : Mr.D.Venkatesh

For R – 1 : Mr.J.Ashok
Additional Government Pleader

For R – 2 : Mr.M.Sarangan
Additional 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 notice issued by the second respondent dated 04.02.2025 is under challenge in this Writ Petition.

3.The learned counsel appearing for the petitioner would submit that as per revenue records, Survey No.1610 at Gengaiyoor Village to an extent of 1 acre 39 cents is classified as Grama Natham. During the year 1992, the petitioner occupied an extent of 374 sq. feet of the land and thereby constructed a small hut, which is subdivided as Survey No.1610/31. From the assessment year 1992-1993 to till the assessment year 2024-2025, the petitioner was regularly paying the



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property tax. While being so, one Vairaperumal filed a Writ Petition before this Court in W.P(MD)No.2503 of 2024 and the Division Bench of this Court by order dated 07.02.2024, directed the authorities concerned to consider the representation of the petitioner therein dated 19.09.2023 and pass appropriate orders on merits and in accordance with law, after providing opportunity to all the parties concerned. Pursuant to the order passed by this Court, dated 07.02.2024, the second respondent vide proceedings dated 04.02.2025 issued the impugned notice to the petitioner for removal of encroachment. Challenging the same, the petitioner has filed the present Writ Petition.

4.Mr.M.Sarangan, learned Additional Government Pleader, who takes notice for the second respondent, would submit that the present impugned notice may be treated as show cause notice, for which, the petitioner may give his explanation and on receipt of the same, necessary orders would be passed.

5.In view of the above, the impugned eviction notice dated 04.02.2025 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



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substantiate his claim within a period of four 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 including personal hearing, 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.

6. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

[J.N.B.,J.] & [S.S.Y.,J.]
28.02.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps



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To

- 1.The District Collector / Monitoring Committee,
Dindigul District.
- 2.The Executive Officer,
Ayyalur Town Panchayat,
Dindigul District.



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J.NISHA BANU, J.
and
S.SRIMATHY, J.

ps

ORDER MADE IN
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DATED : 28.02.2025