



W.P.(MD) No.7117 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 17.03.2025

CORAM:

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

AND

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

W.P.(MD)No.7117 of 2025

and

W.M.P.(MD)No.5354 of 2025

B.Murugan

... Petitioner

-Vs-

1.The District Collector,
Dindigul District, Dindigul.

2.The Tahsildar,
Vedasanthur Taluk,
Vedasanthur, Dindigul District.

3.The Assistant Engineer,
(State Highways),
Construction and Maintenance,
Vedasanthur, Dindigul 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 by the respondent herein in his proceedings in Memorandum No. 04/Encroachment/2024, U.dated 05.03.2025 and quash the same as illegal.

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For Petitioner : Mr.N.Marimuthu
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 petitioner has filed this Writ Petition, challenging the eviction order issued by the 3rd respondent dated 05.03.2025, wherein the petitioner is directed to remove the encroachment in Vadamadurai – Oddanchathram Road KM 0.13.33.

3.The learned counsel appearing for the petitioner would submit that before issuing the eviction order, the 3rd respondent has not issued any show cause notice. Therefore, the same is liable to be set aside.

4.Mrs.D.Farjana Ghoushia, learned Special Government Pleader, who takes notice for the respondents, submits that the 3rd respondent has issued three



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show cause notices to the petitioner. However, he has not come forward to give reply to any of the notices. Therefore, the present impugned eviction order is passed.

5.In view of the above, the impugned eviction order dated 05.03.2025 is treated as show cause notice and the petitioner is directed to give 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 the petitioner 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. No costs. Consequently, connected miscellaneous petition is closed.

[J.N.B., J.] & [S.S.Y., J.]
17.03.2025

NCC : Yes / No
Index : Yes / No
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