



W.P.(MD) No.7603 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.03.2025

CORAM:

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

AND

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

W.P.(MD)No.7603 of 2025

and

W.M.P.(MD)No.5734 of 2025

P.Murugan

... Petitioner

-Vs-

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

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

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned notice issued by the 2nd respondent in Na.Ka.No.53/2024, dated 04.02.2025 and quash the same as illegal.

For Petitioner : Mr.D.Venkatesh

For Respondents : Mr.J.Ashok,

Additional Government Pleader



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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.Challenging the eviction notice dated 04.02.2025, the petitioner has filed 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 1997, the petitioner occupied an extent of 3.08 cents of the land and thereby constructed a small hut, which is subdivided as Survey No.1610/36. From the assessment year 1997-1998 till the assessment year 2024-2025, the petitioner is regularly paying the 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.



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Pursuant to the order passed by this Court, dated 07.02.2024, the 2nd respondent vide proceedings dated 04.02.2025 issued the impugned eviction notice to the petitioner for removal of the encroachment. Challenging the same, the petitioner has filed the present Writ Petition.

4.Mr.J.Ashok, learned Additional Government Pleader, who takes notice for the respondents, 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 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.



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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.]
19.03.2025

NCC : Yes / No
Index : Yes / No

Yuva

To

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



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