



W.P.(MD) No.9493 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.04.2025

CORAM:

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

AND

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

W.P.(MD)No.9493 of 2025

and

W.M.P.(MD)Nos.7090 and 7092 of 2025

R.Ramkumar

... Petitioner

-Vs-

1.The District Collector,  
Theni District.

2.The Revenue Divisional Officer,  
Revenue Divisional Office,  
Uthamapalayam, Theni.

3.The Tahsildar,  
Uthamapalayam Tahsildar Office,  
Uthamapalayam, Theni.

4.The Executive Officer,  
Uthamapalayam Town Panchayat Office,  
Uthamapalayam, Theni.

... Respondents



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**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the entire records of the 4<sup>th</sup> respondent proceedings relating to Na.Ka.No.42/2025 dated 20.02.2025 comprised in S.No.2344/16, Uthamapalayam, Theni District and quash the same as illegal and consequently, forbearing the respondents 1 to 4 to evict the petitioner illegally based on the proceedings in Na.Ka.No.42/2025, dated 20.02.2025.

For Petitioner : Mr.G.Sakthi Rao

For Respondents : Mr.S.S.Madhavan,

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 petitioner has filed this Writ Petition, challenging the eviction order issued by the 4<sup>th</sup> respondent dated 20.02.2025, wherein the petitioner is directed to remove the encroachment made in S.No.2344/16, Uthamapalayam, Theni District.



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3.The learned counsel appearing for the petitioner would submit that before issuing the eviction order, the 4<sup>th</sup> respondent has not issued any show cause notice. Therefore, the same is liable to be set aside.

4.Mr.S.S.Madhavan, learned Additional Government Pleader, who takes notice for the respondents, submits 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 order dated 20.02.2025 shall be 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.

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**WEB COPY** 6. 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.]**  
**04.04.2025**

NCC : Yes / No  
Index : Yes / No

*Yuva*

To

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3. The Tahsildar,  
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Uthamapalayam, Theni.
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**J.NISHA BANU, J.**

**AND**

**S.SRIMATHY, J.**

*Yuva*

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