

WP(MD). No.460 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 20/06/2025

CORAM

THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE

AND

THE HON'BLE Mrs. JUSTICE S.SRIMATHY

W.P.(MD)No.460 of 2019

and WMP(MD) No.407 of 2019

P.Marimuthu,
S/o.Palanichamy,
Soorampatti Village,
Mallaginar Town Panchayat,
Kariapatti Taluk,
Virudhunagar District.

... Petitioner

Vs

1.The District Collector
Virudhunagar District, Virudhunagar

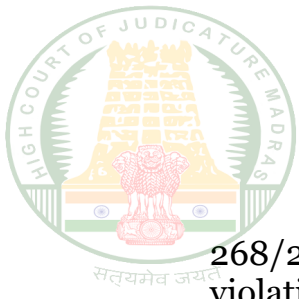
2.The Revenue Divisional Officer
Aruppukottai, Virudhunagar District

3.The Tahsildar
Kariapatti Taluk, Virudhunagar District

4.The Executive Officer,
Mallanginar Town Panchayat
Kariapatti Taluk
Virudhunagar District

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records of the 4th respondent in his proceedings in Na.Ka.No.



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268/2018/A1 dated 26.12.2018 and quash the same as illegal, arbitrary, violation of law and further direct the 3rd respondent to issue patta within the stipulated period.

For Petitioner : Mr.M.Jothi Basu

For Respondents :Mr.S.P.Maharajan
Special Government Pleader

ORDER

(Order of the Court was made by S.SRIMATHY, J,)

The Learned Special Government Pleader submitted that the impugned notice was issued by the Executive Officer of the Panchayat Union, but he has no power to remove the encroachment. However, the notice was issued under the instructions of Tahsildar, hence the Tahsildar would take steps to remove the encroachment. The said submission is recorded.

2.The petitioner submitted that the impugned notice was issued without giving opportunity to the petitioner to submit his objections and had straight away directed to remove encroachment within 15 days, hence the same is violative of principles of natural justice.

3.This Court is of the considered opinion that without setting



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aside the impugned notice, it would suffice if it is treated as show cause notice. Therefore, the petitioner is directed to treat the impugned notice as show cause notice and submit a reply within a period of two weeks of the order being uploaded. Then the respondents shall conduct survey in the presence of the petitioner within a period of two weeks there from. Thereafter, the petitioner be granted personal hearing. Based on the documents, objections and submission during personal hearing, the Tahsildar shall pass an order within a period of four weeks therefrom.

4. Petition is disposed. There shall be no order as to costs.
Consequently connected Miscellaneous Petition is closed.

(K.R.SHRIRAM, C.J.)

(S.SRIMATHY, J.)

20.06.2025

NCC : Yes/No

Index : Yes/No

RR

To

1.The District Collector
Virudhunagar District, Virudhunagar

2.The Revenue Divisional Officer
Aruppukottai, Virudhunagar District



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**3.The Tahsildar
Kariapatti Taluk, Virudhunagar District**

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THE HON'BLE CHIEF JUSTICE

AND

S.SRIMATHY, J.

RR

**ORDER
IN**

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Date : 20/06/2025