



W.P.(MD) No.12641 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.04.2025

CORAM:

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

AND

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

W.P.(MD)No.12641 of 2025

and

W.M.P.(MD)No.9169 of 2025

P.Kolappan Asari

... Petitioner

-Vs-

1.The Executive Officer,
Boothapandi Town Panchayat,
Boothapandi, Thovalai Taluk,
Kanyakumari District.

2.The Tahsildar,
Thovalai Taluk,
Kanyakumari 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 notice issued by the first respondent bearing Na.Ka.No.420/2023/A2 dated 07.04.2025 and Na.Ka.No. 420/2023/A2 dated 21.04.2025 to quash the same.

For Petitioner : Mr.B.Gopinath

Page 1 of 5



WEB COPY



W.P.(MD) No.12641 of 2025

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 eviction notices issued by the first respondent dated 07.04.2025 and 21.04.2025 are under challenge in this Writ Petition.

3.The learned counsel appearing for the petitioner would submit that the father of the petitioner purchased the subject property vide sale deed dated 05.02.1993. Thereafter, the property devolved upon the petitioner. The revenue records are also in the name of the petitioner. While being so, the first respondent has issued the impugned notice directing the petitioner to remove the encroachment made by him in the subject property within a period of seven days.



W.P.(MD) No.12641 of 2025

4.He would further submit that before directing removal of encroachment, a show cause notice has to be issued. In the present case, the first respondent has straight away issued the eviction notices. Therefore, the same is liable to be quashed.

5.Mr.S.S.Madhavan, learned Additional Government Pleader, who takes notice for the respondents, would submit that the present impugned notices may be treated as show cause notices, for which, the petitioner may give his explanation and on receipt of the same, necessary orders would be passed.

6.In view of the above, the impugned eviction notices dated 07.04.2025 and 21.04.2025 are 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 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 all the parties concerned 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.

Page 3 of 5



W.P.(MD) No.12641 of 2025

WEB COPY

7. 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.]
29.04.2025

NCC : Yes / No
Index : Yes / No

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To

1. The Executive Officer,
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Kanyakumari District.

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W.P.(MD) No.12641 of 2025

J.NISHA BANU, J.

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