



W.P.(MD) No.14913 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.03.2025

CORAM:

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

AND

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

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and

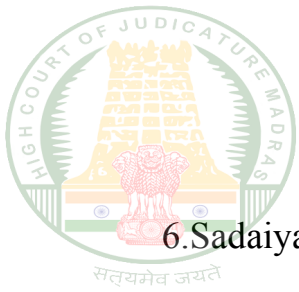
W.M.P.(MD)No.10668 of 2022

Rajakili

... Petitioner

-Vs-

- 1.The District Collector,
Theni District, Theni.
- 2.The District Revenue Divisional Officer,
Theni District, Theni.
- 3.The Tahsildar,
Taluk Office, Periyakulam Taluk,
Theni District.
- 4.The Block Development Officer,
Periyakulam, Theni District.
- 5.The President / Executive Officer,
Endapuli Panchayat,
Theni District.



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6.Sadaiyandi

... Respondents

(R6 is impleaded vide Court order dated 20.02.2025 made in WMP.(MD)No. 23655 of 2024)

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records of the 5th respondent proceedings dated 01.07.2022 and set aside the same.

For Petitioner : Mr.S.Muniyandi

For R1 to R5 : Mr.S.S.Madhavan,
Additional Government Pleader

ORDER

[Order of the Court was made by *J.NISHA BANU, J.*]

The eviction order issued by the 5th respondent dated 01.07.2022 is under challenge in this Writ Petition.

2.The learned counsel appearing for the petitioner would submit that the land in Survey No.433/1 to an extent of 10 cents situated at Endapuli Village and Post, Periyakulam Taluk, Theni District was classified as Natham and it was enjoyed by the husband of the petitioner prior to sub-division. Thereafter, the revenue officials had subdivided the land in question and had given patta to the



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land owners during settlement period. Subsequently, the petitioner is in possession and enjoyment of the same and she made a representation dated 12.02.2022 to the 2nd respondent, seeking issuance of joint patta. The same is still pending without any progress. While being so, the 5th respondent has issued the impugned eviction order, directing the petitioner to remove the encroachment.

3.He would further submit that before directing removal of encroachment, the 5th respondent has not issued any show cause notice and straightaway, he passed the impugned eviction order. Therefore, the same is liable to be quashed.

4.The learned Additional Government Pleader appearing for the respondents 1 to 5 would submit that the present impugned order may be treated as show cause notice, for which, the petitioner may give her explanation and on receipt of the same, necessary orders would be passed.

5.In view of the above, the impugned eviction order dated 01.07.2022 is treated as show cause notice and the petitioner is directed to submit her explanation / objection to the same, enclosing all the relevant materials to substantiate her claim within a period of three weeks from the date of receipt of a



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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.]
12.03.2025

NCC : Yes / No
Index : Yes / No

Yuva

To

1. The District Collector,
Theni District, Theni.
2. The District Revenue Divisional Officer,
Theni District, Theni.



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3. The Tahsildar,
Taluk Office, Periyakulam Taluk,
Theni District.

4. The Block Development Officer,
Periyakulam, Theni District.

5. The President / Executive Officer,
Endapuli Panchayat,
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