

WP(MD). No.13308 of 2018 & Batch

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 07/04/2025

CORAM

THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE
AND
THE HON'BLE MR. JUSTICE P.B.BALAJI

W.P.(MD). Nos.13308, 13058, 13896, 13897 & 13898 of 2018

WP(MD) 13308/2018 :

N.Ramasamy

...

Petitioner

Vs

- 1 The District Collector,
Dindigul District,
Dindigul.
- 2 The Tahsildar,
Vedasandur Taluk Office,
Vedasandur,
Dindigul District.
- 3 The Block Development Officer,
Kujiliamparai Panchayat Union,
Kujiliamparai,
Dindigul District.

...

Respondents

PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying for issuance of a writ of certiorarified mandamus, to call for the records pertaining to the impugned notice passed by the 2nd respondent, dated 08.06.2018, and quash the same as illegal and arbitrary and consequently direct the respondents to not interfere with



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the petitioner's peaceful possession and enjoyment of the property with regard to survey No.920/25, situated at R.Vellodu Village Vedasandur Taluk, Dindigul District.

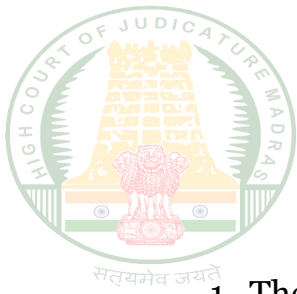
WP(MD) 13058/2018 :

Selvaraj	...	Petitioner
Vs		
1 The District Collector, Dindigul District.		
2 The Tahsildar, Vadachandur Taluk, Dindigul District.	...	Respondents

PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying for issuance of a writ of certiorarified mandamus, to call for the records pertaining to the order of the 2nd respondent, dated 08.06.2018, and quash the same as illegal and further direct the respondents to reclassify the Survey No.920/25 in R.Vellode Village as Natham, and issue house site patta in favour of the petitioner for an extend of 0.00.39 Hectares.

WP(MD) 13896/2018 :

Karuthamani	...	Petitioner
Vs		



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1 The District Collector,
Dindigul District,
Dindigul.

2 The Tahsildar,
Veadachendur Taluk,
Dindigul District.

3 The Block Development Officer,
(Village Panchayat),
Kujiliyamparai Union),
Veadachendur Taluk,
Dindigul District.

...

Respondents

PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying for issuance of a writ of certiorarified mandamus, to call for the records relating to the order, dated 08/06/2018, by the 2nd respondent and quash the same and consequently to forbear the 2nd respondent from demolishing the petitioner's residential house in Survey No.920/ 25, R.Vellode Village, Veadachendur Taluk, Dindigul District.

WP(MD) 13897/2018 :

Seerangan

...

Petitioner

Vs

1 The District Collector,
Dindigul District,
Dindigul.



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2 The Tahsildar,
Veadachendur Taluk,
Dindigul District.

3 The Block Development Officer,
(Village Panchayat),
Kujiliyamparai Union),
Veadachendur Taluk,
Dindigul District.

...

Respondents

PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying for issuance of a writ of certiorarified mandamus, to call for the records relating to the order, dated 08/06/2018, by the 2nd respondent and quash the same and consequently to forbear the 2nd respondent from demolishing the petitioner's residential house in Survey No.920/ 25, R.Vellode Village, Veadachendur Taluk, Dindigul District.

WP(MD) 13898/2018 :

Aavathal

...

Petitioner

Vs

1 The District Collector,
Dindigul District,
Dindigul.

2 The Tahsildar,
Veadachendur Taluk,
Dindigul District.



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3 The Block Development Officer,
(Village Panchayat),
Kujiliyamparai Union),
Veadachendur Taluk,
Dindigul District.

...

Respondents

PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying for issuance of a writ of certiorarified mandamus, to call for the records relating to the order, dated 08/06/2018, by the 2nd respondent and quash the same and consequently to forbear the 2nd respondent from demolishing the petitioner's residential house in Survey No.920/ 20, R.Vellode Village, Veadachendur Taluk, Dindigul District.

For Petitioner in W.P.(MD) No.13308/2018 :

Mr.G.Gomathi Sankar

For Petitioner in W.P.(MD) No.13058/2018 :

Mr.D.Venkatesh

For Petitioner in W.P.(MD) Nos.13896 to

13898/2018 : Mr.M.Maharaja

For Respondents in all W.Ps. : Mr.P.Thilak Kumar,
Govt. Pleader.



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COMMON ORDER
(Order of the Court was made by
the Hon'ble The Chief Justice)

Since common issues are involved and common grounds are raised, we dispose of these batch of five petitions by way of this common order. The directions given herein shall apply to all petitions. For convenience, we are taking the facts in W.P.(MD) No.13308 of 2018.

2. Petitioner is unhappy with the order dated 08.06.2018 passed by the second respondent – Tahsildar. In our view, this is a fit case to direct the District Collector to initiate an enquiry against Respondent No.2, which we hereby do, and take disciplinary action, if required.

3. Petitioner had received a show cause notice dated 20th November, 2017 under Section 7 of the Tamil Nadu Land Encroachment Act, 1905. By the said notice, the Revenue Inspector had called upon petitioner to vacate himself from Survey No.920/25 within seven days. Petitioner challenged the notice by way of a writ petition, being W.P. (MD) No.22019 of 2017. The said petition came to be disposed vide an order, dated 30th November, 2017, by which petitioner was given time to



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respond to the show cause notice within ten days and, on receipt of response, Respondent No.2, i.e., the Tahsildar, was to dispose of the matter on merits, by passing a reasoned speaking order within four weeks thereafter. Petitioner was also to be given a personal hearing.

4. Sri Gomathi Sankar, counsel for petitioner, states petitioner filed a representation dated 26th December, 2017. Sri Gomathi Sankar further states Respondent No.2, instead of considering the representation or giving a personal hearing as directed by this Court, had proceeded to issue the impugned order dated 08.06.2018, calling upon petitioner to vacate within fifteen days. Sri Gomathi Sankar rightly states that the impugned order reflects total non-application of mind and could be safely stated as an order being issued without application of mind.

5. Sri P.Thilak Kumar, Government Pleader, states that the submission made by Sri Gomathi Sankar is not correct inasmuch as notice for personal hearing was given on 29.12.2017, calling upon petitioner to attend a personal hearing on 05th June, 2018, at 04.00 p.m., and petitioner had not attended the personal hearing.



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WEB COPY 6. Sri Gomathi Sankar agrees that petitioner did not go for the personal hearing, but, at the same time, the impugned order is a cyclostyled order, without dealing with the submissions of petitioner made in the written representation. Sri Gomathi Sankar states, if petitioner had not attended the personal hearing, Respondent No.2 should have considered the representation, particularly in view of the fact that this Court, in its earlier order, dated 30th November, 2017, had directed passing of a reasoned speaking order within four weeks.

7. In the circumstances, we hereby quash the impugned order, dated 08.06.2018, and direct Respondent No.2 to give a personal hearing to petitioner on 15.04.2025 at 11.00 a.m., and pass a reasoned order on or before 30th April, 2025.

8. We clarify that we have not made any observation on the merits of the matter.



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WEB COPY 9. Writ Petitions stand disposed of accordingly. No costs.

Consequently, the connected Miscellaneous Petitions, if any, shall stand closed.

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

(P.B.BALAJI, J.)

07.04.2025

NCC : Yes/No
Index : Yes/No
dixit

To

- 1 The District Collector,
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- 2 The Tahsildar,
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