



W.P.(MD) No.28843 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 02.04.2025

CORAM:

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

AND

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

W.P.(MD)No.28843 of 2022

and

W.M.P.(MD)No.22806 of 2022

Ayyammal

... Petitioner

-Vs-

1.The District Collector,
Virudhunagar District,
Collectorate, Virudhunagar.

2.The Tahsildar,
Rajapalayam Taluk Office,
Rajapalayam Post & Taluk-626 117,
Virudhunagar District.

3.The Executive Officer,
O/o. the Seithur Town Panchayat,
Seithur Post-626 121, Rajapalayam Taluk,
Virudhunagar District.

4.M.Ramasubbu

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned

Page 1 of 5



W.P.(MD) No.28843 of 2022

order passed by the 3rd respondent in Na.Ka.No.363/2022, dated 01.12.2022 and quash the same and consequently, to direct the 3rd respondent to consign the issue before the Council under Section 183(1) of Tamil Nadu District Municipalities Act, 1920.

For Petitioner : Mr.M.Saravanakumar
For R1 to R3 : Mrs.D.Farjana Ghoushia,
Special Government Pleader
For R4 : No Appearance

ORDER

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

The petitioner has filed this Writ Petition, challenging the eviction order issued by the 3rd respondent dated 01.12.2022.

2.The learned counsel appearing for the petitioner would submit that the 3rd respondent passed the impugned eviction order without conducting any survey and demarcating the road and the lands of the individuals. Therefore, the same is liable to be quashed.

3.The learned Special Government Pleader appearing for the respondents 1 to 3 would submit that the present impugned order may be treated



W.P.(MD) No.28843 of 2022

as show cause notice, for which, the petitioner may give her explanation and on receipt of the same, necessary orders would be passed.

4.In view of the above, the impugned eviction order dated 01.12.2022 is treated as show cause notice and the petitioner is directed to give 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 copy of this order. On receipt of such explanation / objection, the authority concerned is directed to consider the same under Section 128 of the Local Body Act and pass appropriate orders on merits and in accordance with law, after affording sufficient opportunity to the petitioner and the 4th respondent 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.

5.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.]
02.04.2025

NCC : Yes / No
Index : Yes / No
Yuva

Page 3 of 5



W.P.(MD) No.28843 of 2022

To

WEB COPY

- 1.The District Collector,
Virudhunagar District,
Collectorate, Virudhunagar.
- 2.The Tahsildar,
Rajapalayam Taluk Office,
Rajapalayam Post & Taluk-626 117,
Virudhunagar District.
- 3.The Executive Officer,
O/o. the Seithur Town Panchayat,
Seithur Post-626 121, Rajapalayam Taluk,
Virudhunagar District.



WEB COPY



W.P.(MD) No.28843 of 2022

J.NISHA BANU, J.

AND

S.SRIMATHY, J.

Yuva

W.P.(MD)No.28843 of 2022

02.04.2025