

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE:09-06-2015

CORAM:

THE HONOURABLE MR. JUSTICE SATISH K. AGNIHOTRI  
AND  
THE HONOURABLE MR. JUSTICE M. VENUGOPAL

W.P.No.16162 of 2015 and M.P.No.1 of 2015

1 M.Natarajan  
S/o.G.R.Murugesan  
No.184/5 Jaya Nagar  
Thiruvallur  
Thiruvallur District. Petitioner

Vs

1 The District Collector  
Thiruvallur District  
Thiruvallur.

2 The Revenue Divisional Officer  
Thiruvallur Division  
Thiruvallur.

3 The Tahsildar  
Thiruvallur Taluk  
Thiruvallur.

4 Thiruvallur District Congress Committee  
Rep. by its Secretary C.P. Mohandoss  
No.63 Bajanaikoil Street  
Pungathur  
Thiruvallur District Respondents

Petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus calling for the records pertaining to Na.Ka. 3708/2013/B1 dated 13.5.2015 on the file of the 3rd respondent and quash the same as illegal incompetent and ultravires and consequently forbearing the respondents from evicting the petitioner from S.No.532/8. Pungathur Village Thiruvallur Taluk and District except in accordance with law.

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For petitioner :: Mr. R. Jayaprakash

For respondents :: Mr. N. Sakthivel, GA for RR1 to 3

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ORDER

(Order of the Court is made by SATISH K. AGNIHOTRI, J.)

Heard Mr. R. Jayaprakash, learned counsel for the petitioner and Mr. N. Sakthivel, learned Government Advocate for the respondents. With the consent of the learned counsel for the parties, the writ petition is taken up for final disposal, at the admission stage itself.

2. Assailing the legality of the notice dated 13-05-2015, the petitioner has come up with this petition claiming to be the lawful owner and in legal possession of the property, in question.

3. The learned counsel appearing for the petitioner submits that the notice has been issued to one M.C. Babu, who died around two years' back. The petitioner, who is in possession of the property, on receipt of the notice, approached the authority for placing his representation on record, so that the dispute can be decided on merit. The same was rejected by the authorities.

4. Without going into the merits of the case, if it is so that notice has been issued to a dead person, the notice is a nullity by itself. Thus, the authorities are directed to verify the factual position and issue a fresh notice to the occupant of the building and also to the owner of the property, in question, in accordance with law and take appropriate steps, thereafter, after affording proper opportunity of hearing to the concerned parties.

5. In the result, the writ petition is allowed. No costs. The connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar

True Copy

Sub Assistant Registrar

To

- 1 The District Collector  
Thiruvallur District  
Thiruvallur.
- 2 The Revenue Divisional Officer  
Thiruvallur Division  
Thiruvallur.

3 The Tahsildar  
Thiruvallur Taluk  
Thiruvallur.

+1 cc to Mr.R.Jayaprakash, Advocate,SR.27809.

+1 cc to Government Pleader,SR.27703.

Svi(co)  
krd 19/6

W.P.No.16162 of 2015



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