

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE DR. JUSTICE P. DEVADASS

W.P. No.36155 of 2015
and
M.P. No.1 of 2015

V. Ramanathan

... Petitioner

Vs.

1. State represented by
the District Collector-cum-Panchayat Inspector
Villupuram District
 2. The Municipality Commissioner
Kallakurichi Municipality
Villupuram District
 3. Baskar
- Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus calling for the records in Na.Ka.No.1271/2012/A3 Notice of the second respondent dated 21.09.2012 and quash the same and direct the respondents 1 and 2 to consider the petitioner's representation dated 04.09.2015 within a stipulated period.

For petitioner : Mr. M.K. Bhoopathy Rajan

For respondents : Mr. P.S. Sivashanmugasundaram
Special Government Pleader

O R D E R

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader, accepts notice for respondents 1 and 2. Notice to the third respondent is dispensed with, at this stage, since no adverse order is passed against him in this writ petition. Thus, with the consent of the learned counsel for the petitioner and the learned Special Government Pleader appearing for respondents 1 and 2, the writ petition is taken up for final disposal, at the admission stage itself.

2. This writ petition is filed impugning the notice dated 21 September 2012, whereby and whereunder, the petitioner has been called upon to pay a sum of Rs.31,982/- for demolition of the illegally constructed building on the Government poramboke land in S.No.457/0 at Kallakurichi Municipality.

3. According to the learned counsel for the petitioner, the premises has been constructed by the petitioner and the third respondent jointly and as such, the liability cannot be fastened on the petitioner alone. Thus, the impugned notice is liable to be quashed.

4. The learned Special Government Pleader appearing for the official respondents submits that in such an event, the petitioner may make a representation to the authorities, pointing out the illegality and also for further relief, if need be.

5. This writ petition does not raise any infraction of legal right or violation of fundamental or Constitutional right, warranting interference of this Court under Article 226 of the Constitution of India. In such view of the matter, we are not inclined to interfere with the impugned notice. However, we reserve liberty to the petitioner to put forth his point of view before the authorities. The authorities are directed to consider the same and take a decision on merits and in accordance with law, within a period of four weeks, after affording an opportunity of hearing to the concerned parties, if need be.

The writ petition stands disposed of with the above observation and direction. Costs made easy. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

cad

To

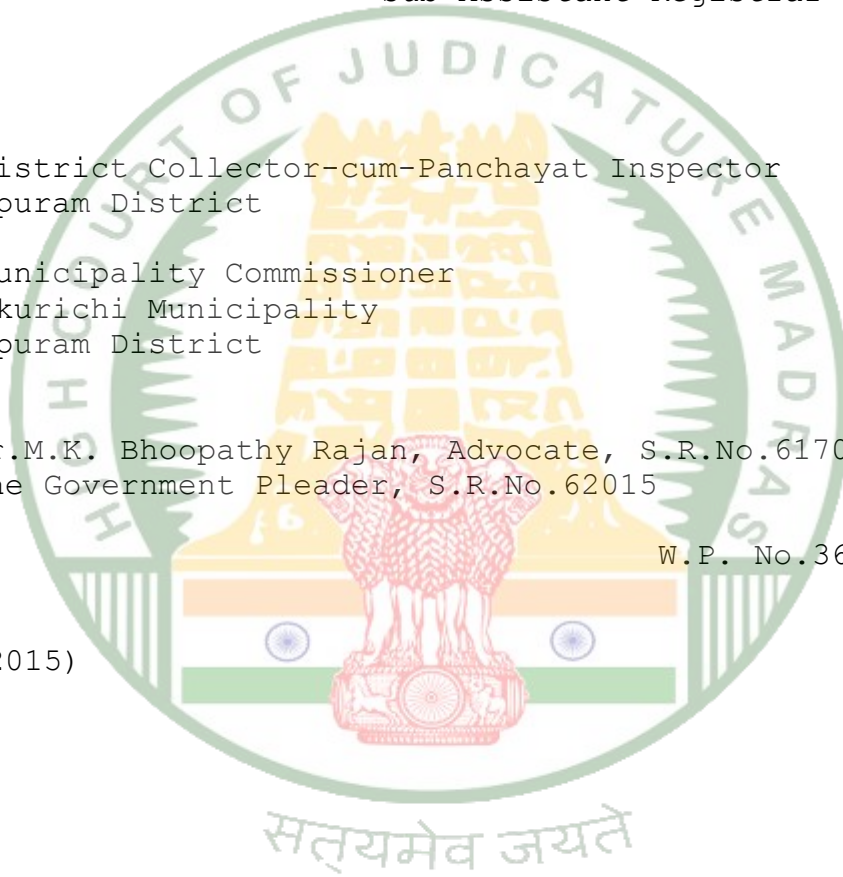
1. The District Collector-cum-Panchayat Inspector
Villupuram District
2. The Municipality Commissioner
Kallakurichi Municipality
Villupuram District

+1cc to Mr.M.K. Bhoopathy Rajan, Advocate, S.R.No.61700

+1cc to the Government Pleader, S.R.No.62015

W.P. No.36155 of 2015

KJI (CO)
CA(24/11/2015)



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