

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.01.2015

CORAM

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI

AND

THE HON'BLE MR.JUSTICE M. VENUGOPAL

W.P. No.869 of 2015 and M.P. Nos.1 - 3 of 2015

V. Thangaraj

Petitioner

vs.

1 The District Collector
Coimbatore District
Coimbatore

2 The Revenue Divisional Officer
Coimbatore North
Coimbatore District

3 The Tahsildar
Coimbatore North
Coimbatore District

4 The Tahsildar
Annur Taluk
Coimbatore District

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus calling for the records relating to the impugned notice dated 26.12.2014 issued by the fourth respondent and quash the same and consequently, restraining the respondents not to disturb the petitioner's land in Survey No.107/2, Kattampatti Village, Annur Taluk, Coimbatore District.

For petitioner Mr. R. Nagasundaram
for Mr. A.V. Raja

ORDER

In the instant writ petition, the petitioner questions the legality of the notice dated 26.12.2014 issued by the fourth respondent under Section 5 of the Tamil Nadu Act 3 of 1905.

2 The prime contention of the learned counsel for the petitioner to challenge the notice is that it has not been issued in accordance with the legal provisions and also, it does not specify as to within what time, the petitioner has to submit his reply/representation.

3 We have examined the documents and pleadings and also considered carefully, the submissions made by the learned counsel for the petitioner.

4 Once the petitioner is in possession of a copy of the notice, the manner involved in service of notice is not important. The method is always laid down only for the purpose of effective service. After service has been effected and the petitioner is in possession of a copy of the notice, it is not open to him to challenge the mode of service of notice.

5 So far as the time to submit his reply/representation is concerned, we grant the petitioner, as requested, two weeks time, to submit his reply to the said notice. The authorities are, thereafter, at liberty to take appropriate action in accordance with law and on its own merits, after considering the reply/representation to be submitted by the petitioner.

5 With the above observations, this writ petition stands disposed of. Costs made easy. Connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

cad

To

- 1 The District Collector
Coimbatore District
Coimbatore
- 2 The Revenue Divisional Officer
Coimbatore North
Coimbatore District

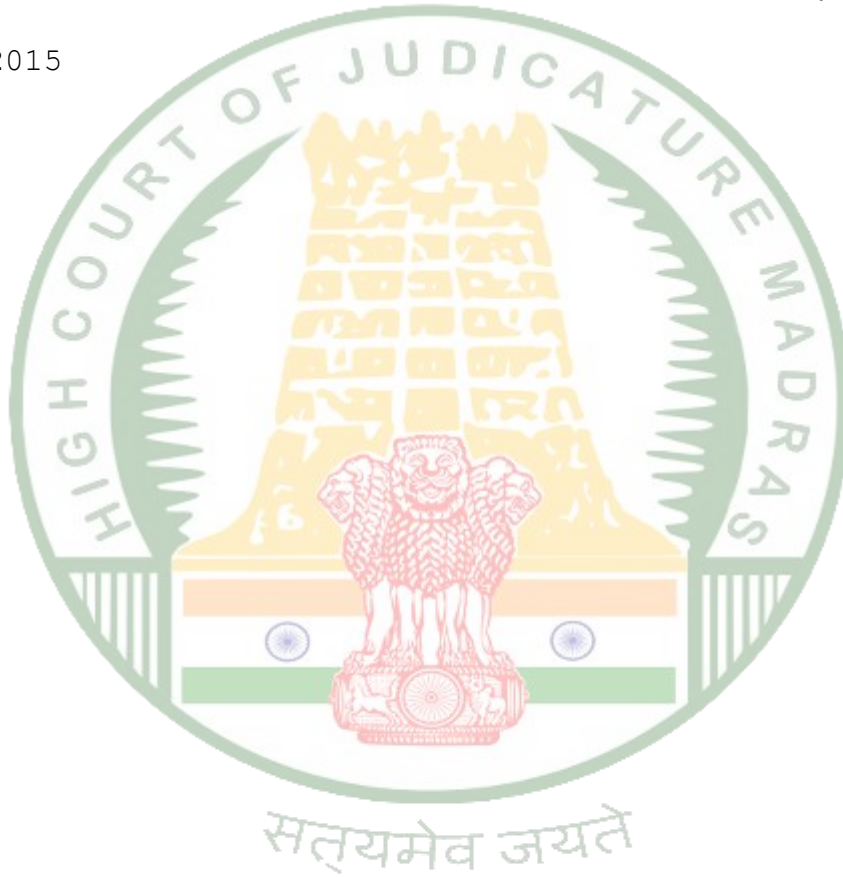
3 The Tahsildar
Coimbatore North
Coimbatore District

4 The Tahsildar
Annur Taluk
Coimbatore District

1 cc to Mr.A.V.Raja ,Advocate, SR.No.1958

W.P. No.869 of 2015

ksj (co)
pmk, 29.1.2015



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