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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Dated: 24.07.2015

C O R A M

THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

Writ Petition (MD) No.12882 of 2015
and
M.P. (MD) Nos.1 to 3 of 2015

A.Idasolomon ... Petitioner

Vs

1.The Secretary to Government of Tamil Nadu,
Revenue Department,
Secretariat, Chennai-600 009.

2.The District Collector,
Thoothukudi District,
Thoothukudi.

3.The Tahsildar,
Ottapidartam Taluk,
Thoothukudi District.

4.Pasuvanthanai Hindu Nadar Uravinmurai
represented by its President S.Manoharan.

5.Pasuvanthanai Hindu Nadar Uravinmurai
represented by its Secretary S.Ganesa Nadar.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the entire records pertaining to the impugned notice dated 02.07.2015 issued by the third respondent in respect of Survey No.378/2, Pasuvanthanai Village, Ottapidatam Taluk, Thoothukudi District and quash the same as illegal and consequently direct the respondents No.1 to 3 to permit the petitioner to pay the full-cess ("Theervai") to the above said land by considering the petitioner's representation dated 09.07.2015.

For Petitioner ... Mr.W.Peter Ramesh Kumar

For Respondents ... Mrs.S.Bharathi
Government Advocate
for R.1 to R.3

O R D E R

<https://hcservices.ecourts.gov.in/hcservices> This Writ Petition has been filed, praying for issuance of a Writ of Certiorarified Mandamus, to call for the entire records pertaining to the impugned notice dated 02.07.2015 issued by the third respondent in respect



of Survey No.378/2, Pasuvanthanai Village, Ottapidatam Taluk, Thoothukudi District and quash the same as illegal and consequently direct the respondents No.1 to 3 to permit the petitioner to pay the full-cess ("Theervai") to the above said land by considering the petitioner's representation dated 09.07.2015.

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2.Mrs.S.Bharathi, learned Government Advocate, takes notice for the respondents 1 to 3 and by consent of both parties, the writ petition itself is taken up for final disposal.

3. The case of the petitioner is that they are running a school and it is the only English Medium School available in that area. It is contended that the third respondent has issued a notice on 02.07.2015 that land has been encroached by the petitioner and that if the School is taken over, the petitioner would be put to great hardship.

4.The leaned Government Advocate would contend that it is only a notice and the petitioner is asked to appear on 03.08.2015 in person and make necessary submissions and also to pay cess.

5.In reply, Mr.W.Peter Rameshkumar, learned Counsel appearing for the petitioner would submit that they have also made a representation on 09.07.2015 and that the respondents cannot act against the education of the children, who are studying in the School and that the representation may be considered.

6.Taking note of the submissions of both sides, since the petitioner has already made an representation on 09.07.2015, the request of the petitioner shall be considered when the petitioner appears in person on 03.08.2015 along with his representation dated 09.07.2015 and appropriate orders be passed by the respondents. It is open to the petitioner to make additional submissions if required to support his contentions on that day. The decision shall be taken by the respondents preferably within a period of two months from the date of receipt of a copy of this order.

7.With the above directions, this Writ Petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The Secretary to Government of Tamil Nadu, Revenue Department,
Secretariat, Chennai-600 009.

2.The District Collector, Thoothukudi District, Thoothukudi.

3.The Tahsildar, Ottapidartam Taluk, Thoothukudi District.

+lcc to M/S.S.BASKAR MATHURAM, Advocate in SR.No 41157

+lcc to Special Government Pleader in SR.No. 41620

TS/31.07.2015/2P - 6C

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