



WEB COPY

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.09.2015

CORAM :

THE HONOURABLE MR.JUSTICE R.SUDHAKAR

and

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Writ Petition (MD) No.16662 of 2015

N.Ravi

... Petitioner

Vs.

1.The Commissioner and Estate Officer,
Kumbakonam Municipality,
Kumbakonam,
Thanjavur District.

2.Sri Swamy Hathiramjee Mutt,
Thirupathi
Rep by its Authorized Agent,
Sri J.Rajagopala Iyer,
Thiruvalampozhil Village,
Thanjavur District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari to call for the records on the file of the 1st Respondent in connection with impugned show cause notice issued in Na.Ka.No.9271/T1/2015 dated 10.07.2015 and the consequential impugned enquiry notice issued in Na.Ka.No.9271/T1/2015 dated 31.07.2015 and quash the both as ultra vires.

For Petitioner

: Mr.G.Thalaimutharasu

For 1st Respondent

:Mr.M.Rajarajan,
Government Advocate

ORDER

(Order of the Court was made by **R. SUDHAKAR, J.**)

Challenging the impugned show cause notice dated 10.07.2015 issued by the Commissioner and Estate Officer, the first respondent herein, the present writ petition has been filed.

2.The grievance of the petitioner appears to be that the proceedings of the first respondent is contrary to law and the notice has been issued on 10.07.2015 calling upon the petitioner to remove the encroachment within 15 days. However, he has sent a reply dated 16.07.2015 stating that the second respondent is the owner of the property and the petitioner is a lawful owner through the second respondent herein.

3.Subsequently, the first respondent has also issued notice dated 05.08.2015. <https://bc.services.2015.gov.in/bc/services/> it is clearly stated that the petitioner should appear for enquiry on 05.08.2015 along with all relevant documents to establish



his claim that he is in lawful occupation of the property failing which the authority will take a view that there are no documents or materials to substantiate his claim. Consequent to that, the petitioner submitted a representation dated 06.08.2015 stating the documents will be filed in the Court and he is in the process of preferring writ petition.

4. We find that no documents were submitted by the petitioner as stated in the impugned notice. Be that as it may, we do not find any reason to interfere with the said notice except to direct the petitioner to submit all the relevant documents to prove his claim within 10 days from the date of receipt of a copy of this order. If any action has already been taken by the authorities, it is always open to the petitioner to work out his remedy in the manner known to law.

5. The writ petition is accordingly disposed of. No costs. Consequently, M.P(MD)Nos.1 to 3 of 2015 are closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To
The Commissioner and Estate Officer,
Kumbakonam Municipality,
Kumbakonam,
Thanjavur District.

+1cc to M/S.G.Thalaimutharasu, Advocate in SR.No 54196

+1cc to M/S.M.Rajarajan, Advocate in SR.No 54326

TS/28.09.2015/2P - 4C SK-SKN/SAR -II

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