

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2016

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI  
AND  
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.P. No.6441 of 2016  
and  
W.M.P.Nos.5723 and 5724 of 2016

V.K.Muthusamy

Petitioner

vs.

1.The District Collector,  
Tirupur District, Tirupur.

2.The Tahsildar,  
Taluk Office, Uthukuzhi,  
Tirupur District.

3.The Executive Officer,  
Uthukuzhi Panchayat,  
Uthukuzhi, Tirupur District.

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari to call for the records relating to the notice dated 14.01.2016 in Na.Ka.24/2013 issued by the third respondent and quash the same.

For Petitioner .. Mr.D.Gopal

For Respondents.. Mr.P.S.Sivashanmugha Sundaram,  
Spl. Govt. Pleader for R1 & R2  
Mr.R.Ravichandran,  
Addl. Govt. Pleader for R3

ORDER

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

With the consent of the learned counsel appearing for the parties, the writ petition is taken up for final disposal.

2. Calling in question the third notice dated 14 January 2016 issued by the third respondent, the instant writ petition is filed.

3. The brief facts are that the land in S.F.No.37/10, Punjai Uthukuzhi Village, Uthukuzhi Taluk, Tirupur District, measuring an extent of 0.07.0 hectares was purchased by the petitioner's father 60 years back and since then, the petitioner's family has been in possession and enjoyment of the said property. Subsequently, the property was subdivided and the petitioner's father was assigned with S.F.No.37/10A, measuring an extent of 0.06.37 hectares and he constructed a residential house in the said property. While so, the third respondent issued a notice dated 05 May 2015 stating that the petitioner has encroached upon the road and constructed the house. The petitioner submitted his reply dated 11 May 2015 and without considering the same, the third respondent issued a similar notice dated 18 December 2015, demanding removal of alleged encroachment. Again, the third respondent issued the notice dated 14 January 2016, which is impugned in this writ petition.

4. Learned counsel appearing for the petitioner submits that without giving an opportunity of hearing, the third respondent had initiated steps to remove the petitioner from the property in question.

5. Learned Additional Government Pleader appearing for the third respondent submits that prior to the impugned notice, two notices were sent. Thus the petitioner has sufficient opportunity of hearing.

6. In response thereto, it is submitted that the petitioner has not received any notice, as referred to in the impugned notice dated 14 January 2016. Thus the petitioner be given an opportunity of hearing to place his case before the authorities and thereafter, a decision may be taken.

7. In such view of the matter, we grant one week time to the petitioner to present his case along with all relevant documents. In the event of a reply as aforesaid is filed within a period of one week, the third respondent is directed to examine the reply, if any, adverting to all the objections/issues raised by the petitioner and take consequential action within a period of two weeks thereafter.

8.With the aforesated observation and direction, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

-s/d-  
Assistant Registrar

True Copy

Sub-Assistant Registrar

mmi  
To

- 1.The District Collector,  
Tirupur District, Tirupur.
- 2.The Tahsildar,  
Taluk Office, Uthukuzhi,  
Tirupur District.
- 3.The Executive Officer,  
Uthukuzhi Panchayat,  
Uthukuzhi, Tirupur District.

+1 cc to M/s.D.Raghu Advocate sr.16828  
+1 cc to the Government Pleader sr.16808

W.P. No.6441 of 2016

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सत्यमेव जयते

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