



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

and

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P (MD) No.19895 of 2016

and

WMP (MD) No. 14358 of 2016

G.JOTHIMANI

NO. 11/59A SRI GURUVAYURAPPAN VILAS

THIRUVALLUVAR ROAD G.N.MILLS POST

COIMBATORE - 641 029.

.. Petitioner

Vs.

1 THE SUB COLLECTOR
PALANI DINDIGUL DISTRICT.

2 THE TAHSILDAR
PALANI DINDIGUL DISTRICT.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records relating to the impugned order passed by the 2nd respondent in his proceedings Na.Ka.No. 8862/2016/C2 dated 28.09.2016 signed on 02.10.2016 and quash the same as illegal.

For Petitioner	: Mr.B.Saravanan
For Respondents	: Mr.S.Chandrasekar
	Government Advocate

ORDER

(Order of the Court was made by **S.NAGAMUTHU, J.**)

The petitioner challenges the notice issued by the 2nd respondent in his proceedings in Na.Ka.No.8862/2016/C2 dated 28.09.2016, wherein the 2nd respondent has directed the petitioner to appear before him for enquiry on 10.10.2016 in respect of the alleged encroachment made by the petitioner on the land comprised in S.No.2/2 at Utkadai, Chithiraikulam Village in Palani Taluk.

2. We have heard the learned counsel for the petitioner and the learned Additional Government Pleader taking notice for the respondents.

3. According to the petitioner, the land comprised in S.No.2/2, which is in occupation, belongs to him and it is not a Government land. He would further submit that in order to make his submissions before the Tahsildar, sufficient time was not given. Though the date of hearing of enquiry was fixed on

10.10.2016, the notice was received by him only on 08.10.2016 and thus, he was unable to appear before the Tahsildar.

4. The learned counsel for the petitioner would submit that the petitioner is prepared to appear before the Tahsildar, Palani, to substantiate his contention that he is the owner of the land.

5. The Government Advocate would submit that a fresh date of enquiry shall be fixed by the Tahsildar to hold enquiry, during which, sufficient opportunity would be given to the petitioner and thereafter, the matter would be thoroughly enquired into. The said statement is recorded.

6. In view of the rival submissions made, the writ petition is disposed of with a direction to the 2nd respondent to issue fresh notice of enquiry to the petitioner indicating the time, date and place of enquiry, during which, the petitioner shall appear before the Tahsildar, make his submissions and also produce documents to substantiate his contentions. After affording such opportunity, the Tahsildar shall pass appropriate orders within a period of eight weeks thereafter. The Tahsildar is directed to fix the date of enquiry on 07.11.2016. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Records)

/True copy/

Sub Assistant Registrar

To

1 THE SUB COLLECTOR
PALANI DINDIGUL DISTRICT.

2 THE TAHSILDAR
PALANI DINDIGUL DISTRICT.

+1cc to Mr.B.Saravanan, Advocate in SR.No. 61179

+1cc to Special Govt.Pleader SR.No. 61417

RR

ANR-SS-2-SAR-I-03.11.2016/2P;5C

ORDER MADE IN
W.P(MD)No.19895 of 2016
18.10.2016