



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.12.2016

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WEB COPY

THE HON'BLE MR.JUSTICE A.SELVAM

and

THE HON'BLE MR.JUSTICE P.KALAIYARASAN

W.P(MD) No.1034 of 2011
and MP(MD)No.1 of 2011

Lakshmi

... Petitioner

-vs-

1.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Karur, Karur District.

2.Srinivasan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ Order or Direction in the nature of Writ of Certiorari to call for the records relating to the impugned order of the 1st respondent dated 21.01.2011 made in Na.Ka.No.A2/163/2011 quash the same.

For Petitioner	: Mr.N.Shanmugaselvam
For R - 1	: Mr.M.Govindan Special Government Pleader
For R - 2	: No appearance

O R D E R

This Writ Petition has been filed under Article 226 of the Constitution of India praying to call for the records relating to the notice dated 21.01.2011 issued in Na.Ka.No.A2/163/2011 by the first respondent and quash the same.

2.It is averred in the petition that the first respondent has issued impugned notice to the petitioner and others, whereby directed them to make appearance for enquiry in respect of Survey No.833/1, Thanthonimalai village and in order to quash the same, the present petition has been filed.

3.The learned counsel appearing for the petitioner has contended that Survey No.833/1 is not a Government land and the same belongs to private individual. Under the said circumstances, the Revenue Divisional Officer/first respondent herein has no



authority to issue the impugned notice and therefore, the present petition has been filed for getting the relief sought therein.

4.It is seen from the impugned notice that one Seenivasan S/o.Venkida Namahiri has given a complaint to the first respondent, wherein it is stated that Survey No.833/1 belongs to him absolutely, wherein certain encroachments have been made and in order to enquire the allegation, the impugned notice has been issued.

5.The main gravamen expressed on the side of the petitioner is that Survey No.833/1 does not belong to Government and the same is nothing but a private property.

6.considering the fact that even in the impugned order it has been clearly stated that Survey No.833/1 belongs to the complainant viz., Seenivasan, this Court is of the view that only proper remedy open to him is to approach the civil Court. But the first respondent without considering his authority or power has issued the impugned notice. Since the first respondent is not having power to issue such kind of notice, this Court is of the view to quash the same.

7.In fine, this Writ petition is allowed without cost. The impugned notice dated 21.01.2011 passed in Na.Ka.No.A2/163/2011 by the first respondent is quashed. However, if there is any error in patta transfer proceedings, the first respondent is at liberty to take appropriate action as per law. Consequently, MP(MD)No.1 of 2011 is closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

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To
The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Karur, Karur District.

+1CC to Mr.N.Shanmuga Selvan, Advocate Sr.No.80692
+1CC to Spl.Govrnment Pleader Sr.No.80865

GJM/SKN/23.12.16-2p-4C

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