

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

Dated : 24.08.2017

CORAM :

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.23232 of 2015
and
M.P (MD) Nos.1 of 2015

P.Muthusamy

... Petitioner

Vs.

1. The Tahsildar,
Kumbakonam Taluk, Kumbakonam,
Thanjavur District.
2. The District Collector,
Thanjavur District, Thanjavur.
3. The Commissioner,
Kumbakonam Municipality,
Kumbakonam, Thanjavur District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari to call for the records relating to the proceedings of the impugned notice in Na.Ka.No.22195/2015/A5, dated 09.12.2015 on the file of the first respondent and quash the same.

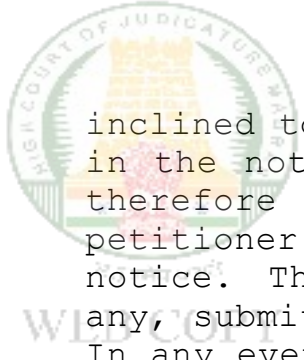
For Petitioner : Mr.G.Prabhu Rajadurai
For Respondents : Mr.T.S.Md.Mohideen,
Additional Government Pleader.

O R D E R

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

The writ petitioner challenges the notice dated 09.12.2015 issued by the first respondent herein under Section 7 of Tamil Nadu Land Encroachment Act 1905.

2. Since it is a mere notice and the writ petitioner can very well offer his explanation in response thereto, we are not



inclined to interfere with the same. However, the time stipulated in the notice for lodging objections has long since expired. We therefore extend the time upto 18.09.2017 to enable the writ petitioner to submit his explanation in response to the impugned notice. The first respondent shall consider the objections, if any, submitted by the writ petitioner on or before the said date. In any event, the first respondent shall comply with the statutory procedure prescribed in the said Act before passing final orders.

3.This writ petition is disposed of on the above terms. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Tahsildar,
Kumbakonam Taluk,
Thanjavur District.
2. The District Collector,
Thanjavur District, Thanjavur.
3. The Commissioner,
Kumbakonam Municipality,
Kumbakonam, Thanjavur District.

+1cc to M/S. G.PRABHU RAJADURAI, Advocate, SR.No.74819.
+1cc to Special Government Pleader, SR.No.74898.

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Skm / Arul
SDS/JC/SAR 1/20.09.2017/2P/6C