

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****Dated : 02.08.2017****CORAM :****THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****W.P (MD) No.11683 of 2017****and****W.M.P. (MD) .Nos.8999 & 9000 of 2017****A.Vembusamy : Petitioner****Vs.****1. The Revene Divisional Officer,
kulithalai. Karur District.****2. The Tahsildar,
Krishnarayanpuram Taluk,
Karur District.****3.Ravichandraparaiyar : Respondents**

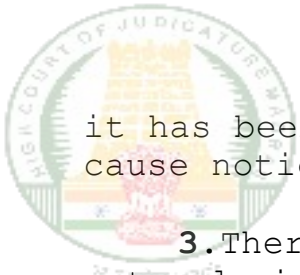
Prayer : Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, calling for the records relating to the proceedings of the Impugned Order in Na.Ka.No.A4/2573/2017 dated 19.05.2017 on the file of the second respondent and quash the same.

For Petitioner : Mr.R.Maheswaran
For R1 and R2 : Mr.M.Govindan
Special Government Pleader

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

The writ petitioner challenges the order dated 19.05.2017, issued by the second respondent in Na.Ka.No.A4/2573/2017. The second respondent has directed the writ petitioner to close the pit in question. The said pit is located in Survey No.176/4.

2. The case of the writ petitioner is that the land in the said survey No.176/4, does not belong to the Government and it has not been classified as a pathway in any revenue record. Besides,



it has been passed without holding any enquiry or issuing any show cause notice.

3. Therefore, on the ground of violation of principles of natural justice, this Court quashes the impugned order. The matter is however remitted to the file of the second respondent. The second respondent shall issue notice to the writ petitioner as well as the third respondent herein and hold an enquiry. If during enquiry, it is revealed that the said land is a public pathway or a property belonging to the Government, then it is open to the second respondent to take action in accordance with law. If the subject property is not belonging to the Government, then obviously, it is not open to the second respondent to interfere with the rights of the petitioner.

4. The second respondent shall complete the entire exercise within a period of three months from the date of receipt of a copy of this order.

5. The Writ Petition is allowed as indicated above. No costs. Consequently, connected W.M.P(MD).Nos.8999 & 9000 of 2017 are closed.

Sd/-

Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

To

1. The Revenue Divisional Officer,
kullithalai. Karur District.
2. The Tahsildar,
Krishnarayanpuram Taluk,
Karur District.

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No. 70273.

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate, SR No. 69998.

TSG/SKM

PSM/JC/SAR1/28.08.2017/2P/5C

Order made in
W.P(MD)No.11683 of 2017

and
W.M.P. (MD) .No.8999 & 9000 of 2017

Dated : **02.08.2017**