



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 27.07.2017

CORAM:

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

W.P.(MD)No.13746 of 2017
and
W.M.P.(MD).No.10730 of 2017

P.Dharmarajan

: Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Represented by its Secretary,
Local Administration, Chennai.
- 2.The District Collector,
Nagercoil, Kanyakumari District.
- 3.The Revenue Divisional Officer,
Nagercoil, Kanyakumari District.
- 4.The Tahsildar,
Nagercoil, Kanyakumari District.
- 5.The Commissioner,
Nagercoil Municipality,
Nagercoil, Kanyakumari District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the entire records relating the impugned notice dated 18.07.2017, under reference in Na.Ka.No.18623/2015/F1, issued by the fifth respondent with respect to the land in Sy.No.D5/11, Anantha Samudhram Village, Nagercoil and quash the same.

For Petitioner : Mrs.N.KrishnaVeni

Senior Counsel

For Mr.P.Thiagarajan

For Respondents 1 to 4

: Mr.T.s.Mohamad Mohideen

Additional Government Pleader

For Respondent No.5

: Mr.A.Adimoola Pandian



[Order of the Court was made by **G.R.SWAMINATHAN, J.**]

The notice dated 18.07.2017 in Na.Ka.No.18623/2015/F1, issued by the fifth respondent has been questioned in this writ petition.

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2. When the writ petition was taken up for final disposal, it was fairly admitted by the learned counsel appearing for the fifth respondent that the subject property does not vest with the Municipality. Therefore, the fifth respondent did not have the jurisdiction to issue the impugned notice. On the ground of want of jurisdiction, the impugned notice dated 18.07.2017, issued by the fifth respondent is quashed. It is however made clear that it is open to the jurisdictional authority to take action in accordance with law.

3. The Writ Petition is allowed as indicated above. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

To

1. The Secretary,
The Government of Tamil Nadu,
Local Administration, Chennai.
 2. The District Collector,
Nagercoil, Kanyakumari District.
 3. The Revenue Divisional Officer,
Nagercoil, Kanyakumari District.
 4. The Tahsildar,
Nagercoil, Kanyakumari District.
- +1cc to Mr.P.Thiagarajan, Advocate, SR.68210

W.P. (MD) No.13746 of 2017
27.07.2017

TSG/SKM
KK/SKN RSK/SAR1/10.08.2017/ 2P- 6C/