



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.09.2017

CORAM:

WEB COPY

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

W.P (MD) No.16562 of 2017
and
W.M.P. (MD) No.13197 of 2017

Palaniappan

.. Petitioner

Vs.

1.The Tahsildar,
Kadavoor Taluk,
Karur District.

2.The Revenue Inspector,
Myilepatti Firca,
Kadavoor Taluk,
Karur District.

3.The Block Development Officer/Special Officer,
Krishnarayapuram Panchayat Union,
Krishnarayapuram, Thondaimanginam Village,
Panchayat and Post,
Karur District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorari, calling the records relating to the proceedings of the second Respondent dated 19.08.2017 and the proceedings of the third Respondent made in Na.Ka.No.A3/2387/2017 dated 11.08.2017 and quashing the same.

For petitioner

: Mr.R.Murali
for Mr.K.Govindarajan

For Respondents 1 & 2

: Mr.M.Govindan
Special Government Pleader

For 3rd Respondent

: Mr.K.Mahesh Raja



O R D E R

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

The writ petitioner has challenged the notice issued by the Revenue Inspector, Myilepatti Firca, Kadavoor Taluk, Karur District, under section 7 of Land Encroachment Act 1905, and also the order dated 11.08.2017 issued by the third respondent calling upon the writ petitioner to remove the said encroachment.

2.As regards the notice issued by the revenue inspector, it can be seen that the land in question has been described in the notice itself as natham. Therefore, the revenue authority will not have any jurisdiction to initiate proceedings in that regard. The notice dated 19.08.2017 issued by the second respondent is therefore quashed on the ground of jurisdiction.

3.As regards the notice dated 11.08.2017 issued by the third respondent, it is also violative of the principles of natural justice. The details are not given. It is bereft of particulars. On the ground of vagueness as well as violation of the principles of natural justice, the said notice dated 11.08.2017 is quashed. The matter is remitted to the file of the third respondent to proceed afresh in accordance with law.

4.This writ petition is allowed as indicated above. No costs. Consequently, connected W.M.P.(MD)No.13197 of 2017 is closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub-Assistant Registrar

To:

1.The Tahsildar,
Kadavoor Taluk,
Karur District.

2.The Revenue Inspector,
Myilepatti Firca,
Kadavoor Taluk, Karur District.

+One cc to Mr.K.Govindarajan, Advocate, SR.No.77137

+One cc to The Special Government Pleader, SR.No.77682

vsg/rmk

RL/5C/2P/MR/KKR/SAR1/12/10/2017

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and

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