



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.11.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN**W.P(MD) No.22040 of 2017****and****W.M.P(MD) No.18339 of 2017**

Sairajan

... Petitioner

Vs.

1.The District Collector
Thanjavur District, Thanjavur.

2.Member / Secretary (Incharge)
Town and Country Planning Department
Kumbakonam,
Thanjavur District.

3.S.Palanichamy

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records pertaining to the notice dated 22.11.2017 issued by the second respondent which was affixed on the premises of the Flour Mill situated at Door No.17 Samu Nagar, Annalagraharam Village, Kumbakonam Taluk, Thanjavur District and quash the same.

For Petitioner : Mr.B.Jameel Arasu
For Respondents : Mr.M.Alagathevan - For R1 & R2
Special Government Pleader

O R D E R

By consent, the writ petition is taken up for final disposal at the stage of admission itself.

2. Mr.M.Alagathevan, takes notice for the respondents 1 and 2. Notice to the third respondent is dispensed with, as no adverse order is going to be passed against him.

3. According to the petitioner, he is running a flour mill in the property in question, after obtaining necessary permit from the authorities concerned. Whereas, the authorities directed him to vacate the premises, as if, he is an encroacher. Thereafter, several writ petitions came to be filed and in the earlier round of litigation, the petitioner was granted liberty to approach the competent authority for appropriate relief. Pursuant thereto, he



approached the authorities with proper representation, pending disposal of the same, the present notice came to be passed. Aggrieved over the same, the petitioner is before this Court.

4. The learned Counsel for the petitioner has submitted that the petitioner may be permitted to file his reply to the notice dated 22.11.2017 and thereafter, the authorities shall pass final orders, for which, the learned Special Government Pleader has no serious objection.

5. Under such circumstances, this Court, while declining to interfere with the impugned notice, directs the petitioner to file his reply before the second respondent within a period of four weeks from the date of receipt of a copy of this order and on such filing, the same shall be entertained without raising any objection with regard to limitation and considered on merits and in accordance with law, after affording an opportunity of hearing to the petitioner, third respondent, as well as other interested parties, if any, within a period of four weeks thereafter.

6. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector
Thanjavur District, Thanjavur.

2.Member / Secretary (Incharge)
Town and Country Planning Department
Kumbakonam,
Thanjavur District.

+1cc to Mr.B.JAMEEL ARASU Advocate in SR. No. 90609

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No. 90711

RM

JS/SV.MMS/SAR.2/08.12.2017/2P-5C

W.P(MD) No.22040 of 2017
30.11.2017