



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM
and
THE HONOURABLE MR.JUSTICE N.AUTHINATHAN

W.P (MD) No.4129 of 2017
and
W.M.P (MD) No.3288 of 2017

S.Kamaraj .. Petitioner

Vs.

1.The District Collector,
Collectorate,
Kanyakumari District.

2.The Assistant Executive Engineer,
Office of the Assistant Executive Engineer,
Water Resources Organization
Irrigation Division (PWD),
Nagercoil,
Kanyakumari District.

3.The Tahsildar,
Agastheeswaram Taluk,
Nagercoil, Kanyakumari District.

4.M.Muthazhahan .. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records relating to the impugned proceedings issued by the second respondent herein in N.Co.No.13/124/2017, dated 22.02.2017 and quash the same and pass such further or other orders.

For Petitioner : M/s.N.Krishnaveni
Senior Counsel
for Mr.H.Thayumanaswamy

For Respondents 1 to 3: Mr.K.Guru,
Additional Government Pleader.



ORDER

[Order of the Court was made by A.SELVAM, J.]

WEB COPY
This writ petition has been filed under Article 226 of the Constitution of India praying to call for records relating to the notice, dated 22.02.2017 passed in N.Co.No.13/124/2017 by the second respondent and quash the same, by way of issuing a writ of Certiorari.

2.Mr.K.Guru, learned Additional Government Pleader has taken notice for the respondents 1 to 3.

3.The learned counsel appearing for the petitioner has contended to the effect that the impugned notice dated 22.02.2017 has not been issued as contemplated under law. Under the said circumstances, the same is liable to be quashed.

4.The learned Additional Government Pleader appearing for the respondents 1 to 3 has contended that in pursuance of the order passed by this Court in W.P(MD)No.1957 of 2017, the impugned notice has been issued.

5.In fact in W.P(MD)No.1957 of 2017, this Court has directed the respondents therein to remove encroachments which are in existence in Survey No.524 under due process of law within a period of two months.

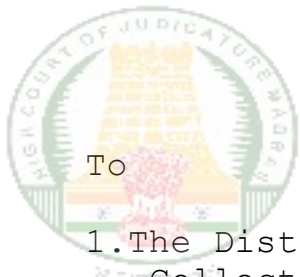
6.It is an admitted fact that in the impugned notice three days time has been given and therefore it is easily discernible that the impugned notice has not been issued as contemplated under law. Under the said circumstances, the impugned notice is liable to be quashed.

7.In fine, this writ petition is allowed without costs. The impugned notice, dated 22.02.2017 issued by the second respondent is quashed. However, the second respondent is directed to give proper notice as contemplated under law and take appropriate action. Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar(co)

/True copy/

Sub Assistant Registrar



To

1.The District Collector,
Collectorate,
Kanyakumari District.

2.The Assistant Executive Engineer,
Office of the Assistant Executive Engineer,
Water Resources Organization
Irrigation Division (PWD),
Nagercoil,
Kanyakumari District.

3.The Tahsildar,
Agastheeswaram Taluk,
Nagercoil, Kanyakumari District.

+1cc to Mr.H.Thayumanaswamy, Advocate SR.No.13679
+1cc to special Government Pleader SR.No.14090

ps

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ORDER MADE IN
W.P (MD) No.4129 of 2017
and
W.M.P (MD) No.3288 of 2017
10.03.2017