



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.02.2017

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM
and
THE HONOURABLE MR.JUSTICE P.KALAIYARASAN

W.P(MD)No.929 of 2017
and
W.M.P(MD)No.786 of 2017

K. Vellimalai

.. Petitioner

Vs.

The Executive Officer,
Ammayanayakanur Town Panchayat,
Nilakottai Taluk, Dindigul District.

.. Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari by calling for the records from the respondent and quash the notice bearing Na.Ka.No.488/2016/A1 dated 10.01.2017 issued by the respondent and pass such further or other orders.

For Petitioner : Mr.V.Chandrasekar

For Respondent : Mr.M.Govindan,
Special Government Pleader.

ORDER

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

This writ petition has been filed under Article 226 of the Constitution of India praying to call for records relating to the notice dated 10.01.2017 alleged to have been given by the respondent and quash the same, by way of issuing a writ of certiorari.

2.The learned counsel appearing for the petitioner has contended that in the impugned notice, no survey number has been given and further encroachments made in roads have already been removed and under the said circumstances the notice dated 10.01.2017 is liable to be quashed.



3.The learned Special Government Pleader appearing for the respondent has contended to the effect that Survey Nos.32 and 781 have been classified as roads and proper survey has been conducted and ultimately found that there are certain encroachments in Survey Nos.32 and 781 and for the purpose of removing the same, proper notices have been issued and therefore the present writ petition deserves to be dismissed.

4.As rightly pointed out on the side of the petitioner, in the impugned notice dated 10.01.2017 no survey number has been given.

5.The specific case of the respondent is that Survey Nos.32 and 781 have been classified as roads. Since no survey number has been given in the notice dated 10.01.2017, this Court is of the view to quash the same. Under the said circumstances, the present writ petition is liable to be allowed.

6.In fine, this writ petition is allowed without costs and the impugned notice dated 10.01.2017 given by the respondent is quashed. However the respondent is at liberty to take appropriate action for removal of encroachments which are in existence in Survey Nos.32 and 781 under due process of law. Consequently, connected Miscellaneous Petition is closed.

Sd/

Assistant Registrar(A.S.,)

/TRUE COPY/

Sub Assistant Registrar

To

The Executive Officer, Ammayanayakanur Town Panchayat
Nilakottai taluk, Dindigul District.

+1cc to M/s.V.Chandrasekar, Advocate, in SR No.6506/17.

ORDER MADE IN
W.P(MD)No.929 of 2017
and W.M.P(MD)No.786 of 2017
06.02.2017

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