

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.01.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.32278 of 2017
and W.M.P.No.35533 of 2017

Deivasigamani

...Petitioner

Versus

1. The Commissioner,
Thiruvathipuram Municipality,
Thiruvannamalai District.
2. The Inspector / Fit person (Thakkar),
Arulmigu Vethapurishwarar adjoined
Paruthipuram (peri chetty) Arakattalai,
Cheyyar Town & Taluk,
Thiruvannamalai District.

... Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorari to call for the records and quash the impugned notice in Na.Ka.No.3786/2015/F1, dated 07.12.2017, issued by the 1st respondent.

For Petitioner : M/s.V.Vijayakumar

For Respondents : Mr.N.Inbanathan, A.G.P. (for R1)
Mr.M.Maharaja, Spl.G.P. (for R2)

सत्यमेव जयते
O R D E R

The petitioner has come forward with the present writ petition to quash the impugned notice issued by the 1st respondent in Na.Ka.No.3786/2015/F1, dated 07.12.2017.

2. The case of the petitioner is that the 2nd respondent is the owner of the land in ward No.B, Block No.13, Town Survey No.1, of Pillayar Temple, measuring an extent of 1080 Sq.ft. and the property was leased out to the petitioner for running Bakery and Sweet Stall. When the 1st respondent has no authority, the impugned notice has been issued by him directing the petitioner to vacate the premises. Hence, the present writ petition.

3. The learned Additional Government pleader appearing for the 1st respondent, on instructions, submitted that the land in question does not belong to the 1st respondent and after survey, it was found that the land belongs to the Wakf Board. Hence, they decided to drop the proceedings and he has produced a letter of the Commissioner, Thiruvathipuram Municipality in Na.Ka.No.3786/2015/F1, dated 11.01.2018 to that effect.

4. In the light of the above submission of the learned Additional Government Pleader, this Court is of the opinion that the petitioner is entitled to succeed in this writ petition. In the result, the writ petition is allowed and the impugned notice of the 1st respondent is quashed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

pvs

To

1. The Commissioner,
Thiruvathipuram Municipality,
Thiruvannamalai District.
2. The Inspector / Fit person (Thakkar),
Arulmigu Vethapurishwarar adjoined
Paruthipuram (peri chetty) Arakattalai,
Cheyyar Town & Taluk,
Thiruvannamalai District.

+2ccs to M/s.V.Vijayakumar, Advocate, S.R.No.3588

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