

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2018

CORAM

THE HON'BLE MRS.V.K.TAHILRAMANI, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.22182 of 2018

Rahmath Girls Matriculation
Higher Secondary School
Abdul Kasim Nagar
No. 140 P.K.T. Road Muthupet - 614704
Thiruvarur District
Rep. by Correspondent M.A.Musthafa .. Petitioner

Vs.

- 1 The District Collector
Thiruvarur District, Thiruvarur.
- 2 The Revenue Divisional Officer
Mannargudi, Thiruvarur District.
- 3 The Executive Officer
Selection Grade Town Panchayat
Muthupet
Thiruvarur District. ... Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Certiorari to call for the records relating to the impugned notice issued by the 3rd respondent in Na.Ka.No.991/2018/ A1, dated 24.07.2018 and quash the same.

For Petitioner

: Mr.P.Wilson
Senior Counsel
for Mr.G.Sankaran

For Respondents

: Mr.S.Kamalesh Kannan
Government Advocate

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

The petitioner is aggrieved by the notice dated 24.7.2018 issued to them to remove the encroachment.

2. The main contention raised by the learned Senior Counsel for the petitioner is that the notice does not indicate under what Act and what Section of the Act the said notice has been issued. As no Act and Section have been indicated in the said notice, the petitioner is unable to avail of any remedy.

3. The learned Government Advocate who appears for the respondents fairly concedes that the Act and the relevant Section are not mentioned in the notice.

4. In this view of the matter, we set aside the notice dated 24.7.2018 calling upon the petitioner to remove the encroachment. It would be open to the respondents to issue a fresh notice stating therein the relevant Act and the Section under which the notice is issued.

The writ petition is disposed of with the above observation. No costs. Consequently, W.M.P.Nos.26009 and 26010 of 2018 are closed.

Sd/-

Assistant Registrar (CS-VIII)

//True copy// सत्यमेव जयते

Sub Assistant Registrar

sasi

To:

- 1 The District Collector
Thiruvarur District, Thiruvarur.
- 2 The Revenue Divisional Officer
Mannargudi, Thiruvarur District.

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3 The Executive Officer
Selection Grade Town Panchayat
Muthupet
Thiruvarur District.

+1cc to M/s.G.Sankaran, Advocate SR.No.81875

+1cc to Government Pleader SR.No.81663

W.P.No.22182 of 2018

SKV(CO)

GMV(12/12/2018)



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