

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.11.2018

CORAM

THE HON'BLE MR JUSTICE M. VENUGOPAL
AND
THE HONOURABLE MR. JUSTICE R. PONGIAPPAN

W.P.No.25835 of 2018
and WMP No.30041 of 2018

C. Murugesan

... Petitioner

Vs

1. The District Collector,
Salem District,
Salem.

2. The Tahsildar,
Office of Tahsildar,
Valapadi Taluk,
Salem District

....Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorari to call for the records pertaining to the notice issued by the second respondent in Na.Ka.No.567/2017/B1 dated 09.08.2018 and quash the same.

For petitioner : Mr.R. Marudhachalamurthy

For Respondents : Mr.J. Pothiraj
Spl. Government Pleader

ORDER

(Order of the Court made by M.VENUGOPAL, J.,)

Heard both sides.

2.No counter is filed on behalf of the Respondents. By consent on either side, the Writ Petition itself is taken up for final disposal.

3. The grievance of the Petitioner is that he was issued with impugned notice dated 09.08.2018 requiring him to vacate the property in Survey No.116, Chandrapillaivalasu Village, Valapadi Circle, wherein, his enjoyment was measured as 0.11.50 out of total extent of 0.60.5 hectares measuring an extent of 28 cents. The character of the land is mentioned in the impugned order as 'Stream outlet'.

4. Admittedly, the Petitioner had not challenged by way reply to the impugned notice dated 09.08.2018 issued by the second Respondent/the Tahsildar, Valapadi Taluk, Salem District.

5. Obviously, the impugned notice dated 09.08.2018 was issued by the Second Respondent, the Tahsildar to and in favour of the Petitioner straightaway without requiring him to submit his objections/written statement. As such, this Court deems it fit and proper in directing the Petitioner to treat the impugned notice dated 09.08.2018 as Show Cause Notice and further, he is directed to furnish his reply to the impugned notice dated 09.08.2018, issued by the second Respondent and to offer his written representation before the second Respondent within a period of two weeks from the date of receipt of a copy of this order.

6. Along with the representation, to be furnished by the Petitioner, it is open to the Petitioner to submit necessary documents to support his version with regard to the enjoyment of the property, in question. If the Petitioner produces necessary documents within the time stipulated by this Court, then the second Respondent/Tahsildar shall look into the same, taking into consideration of the same and to advert about the same in one way or other and to arrive at a conclusion and to pass final orders in the subject matter, in issue, of course, after providing necessary opportunity to the Petitioner and others concerned by adhering principles of natural justice. In any event, the second Respondent shall pass final orders within a period of four weeks thereafter. Till such time, the possession of the Petitioner from the subject property shall not be disturbed by any one.

7. With the above observation, the 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,
Salem District,
Salem.

2. The Tahsildar,
Office of Tahsildar,
Valapadi Taluk

+1cc to Mr.R.Marudhachalamurthy, Advocate, S.R.No.77598

+1cc to the Government Pleader, S.R.No.78004

W.P.No.25835 of 2018

BS (CO)
GSP (30/11/2018)



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