

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.12.2018

CORAM :

THE HON'BLE MRS.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. NO.26698 OF 2018

AND W.M.P.NOS.31067 AND 31069 OF 2018

Chinnammal

.. Petitioner

-vs-

1. The District Collector,
Salem District, Salem.
 2. The Tahsildar,
Edappadi Taluk, Salem District.
 3. The Revenue Inspector,
Poolampatti, Edappadi Taluk,
Salem District.
 4. The Divisional Engineer,
Highways Department,
Edappadi, Salem District.
- .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus to call for the records relating to the impugned order in Roc.No.4230/2018 (A6) dated 29.09.2018 issued by the 2nd respondent, quash the same and consequently forbear the respondents from intefering with the petitioner's right to property in respect of the House measuring 450 sq.ft. bearing S.No.165/2B, Poolampatti Village, Edappadi Taluk, Salem District, covered under HSD Patta dated 13.05.1971.

For Petitioner : Mr.N.Manokaran

For Respondents : Mr.V.Jayaprakash Narayanan
Govt. Pleader (I/c.)

* * * * *

O R D E R

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

The prayer of the petitioner is to quash the impugned order dated 29.09.2018 in Roc.No.4230/2018 (A6) issued by the 2nd respondent, Tahsildar, Edappadi Taluk, Salem District.

2.Mr.V.Jayaprakash Narayanan, learned Government Pleader (I/c.) has filed an additional counter affidavit on behalf of respondent no.2, wherein it is stated that the said notice is being withdrawn with liberty to issue a fresh notice.

3.According to respondent no.2, the land in question is river margin. However, according to the learned counsel for the petitioner, the land is 'Grama Natham'. At this stage, we are not giving any finding in relation to the classification of the said land. In case, a notice is received by the petitioner, it would be open to him to reply to the same. All contentions of the petitioner are left open including his contention that the land is not river margin, but it is 'Grama Natham'.

With the above observation, the writ petition is disposed of. No costs. Consequently, W.M.P.Nos.31067 and 31069 of 2018 are closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sra

To

1. The District Collector, Salem District, Salem.
2. The Tahsildar,Edappadi Taluk, Salem District.
3. The Revenue Inspector, Poolampatti, Edappadi Taluk, Salem District.
4. The Divisional Engineer, Highways Department, Edappadi, Salem District.

+1cc to Mr.N.Manokaran, Advocate, S.R.No.83300

+1cc to the Government Pleader, S.R.No.83640

W.P.No.26698 of 2018

RV(CO)

CS/26/12/2018