

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2018

CORAM :

The Hon'ble Mrs.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.32663 of 2018

M.Balakrishnan

.. Petitioner

-vs-

1.The Executive Officer,
Town Panchayat Office,
Sulur,
Coimbatore District - 641 402.

2.The Tahsildar,
Sulur Taluk,
Coimbatore District - 641 402.

3.P.Eswari

4.K.Annakodi

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari calling for the records relating to the first respondent's impugned letter Na.Ka.No.564/2017/E, dated 16.11.2018 and quash the same as illegal.

For Petitioner : Mr.R.Subburaj

For Respondents : Mr.V.Jayaprakash Narayanan
Government Pleader (i/c)
for respondent Nos.1 & 2

Mr.J.Agri Selvaraju
for respondent No.3

ORDER

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

The petitioner is aggrieved by the letter/notice dated 16.11.2018 issued to him, calling upon him to remove the encroachment.

2. The learned counsel for the petitioner submitted that the said notice does not mention under what section it has been issued, nor the Act under which it has been issued. In such case, it is almost impossible for the petitioner to reply to the same.

3. The learned Government Pleader (i/c) appearing for respondent Nos.1 and 2 admitted that no Section or Act has been mentioned in the impugned notice.

4. On going through the impugned notice, we find that it is very vague, as it does not mention the Section or the Act under which it is issued. In this view of the matter, we are inclined to quash the said notice. Accordingly, the impugned notice dated 16.11.2018 is quashed. If the Government is of the opinion that there is an encroachment, it would be open to the authorities to proceed hereafter in accordance with law.

5. The writ petition is allowed in the aforesaid terms. No costs. Consequently, W.M.P.Nos.37869 and 37871 of 2018 are closed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

1.The Executive Officer,
Town Panchayat Office,
Sulur, Coimbatore District - 641 402.

2.The Tahsildar,
Sulur Taluk,
Coimbatore District - 641 402.

+1cc to Mr.J.Agni Selvaraju, Advocate SR.No.89001

+1cc to Mr.R.Subburaj, Advocate SR.No.88315

+1cc to Government Pleader SR.No.88913

W.P.No.32663 of 2018

GJ II(CO)

GMY(07/01/2019)



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