



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.10.2018

CORAM :

**THE HONOURABLE MR.JUSTICE T.RAJA
AND
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY**

W.P (MD) No.21722 of 2018
and WMP No.19653 of 2018

C.Indira

... Petitioner

vs.

1.The District Collector
Madurai District, Madurai.

2.The Tahsildar
Melur Taluk, Madurai District.

3.The Assistant Engineer,
TANGEDCO
Karungalakudi EB Office,
Karungalakudi
Melur Taluk
Madurai District - 625 101.

4.V.Sonaiyan
5.M.Sethu

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus to call for the records of the 2nd respondent in Na.Ka.no.4737/2018/ஆ4 dated 05.10.2018 and to quash the same and further directing the 2nd respondent to conduct a detailed enquiry with regard to the mistaken/erroneous entry as ' Boosthi Pathai (பூஸ்தி பாதை) in S.No.33/1A1 comprising an extent of 14 cents at Karungalakudi Village, Melur Taluk, Madurai District.

For Petitioner : Mr.S.Chandrasekaran

For Respondent : Mr.V.Anand

Government Advocate for R1 and R2
Mr.S.M.S.Johnny Basha for R3

O R D E R

(Order of the Court was made by T.RAJA, J.)



petitioner to attend the enquiry on 12.10.2018, on the ground that the Tahsildar, Melur has been repeatedly issuing notice one after the other.

2. Although the petitioner has been responding to the notices dated 16.08.2018 and 11.09.2018, by detailed reply dated 23.08.2018 and 17.09.2018 respectively, once again, the present impugned order has been issued calling upon the petitioner to attend the enquiry at 4.00 p.m. on 15.10.2018 at the office of the second respondent and again the petitioner submitted a detailed reply on 12.10.2018. However, it is the apprehension of the petitioner that without there being an order, the authorities are going to take coercive action against the petitioner. Therefore it is pleaded that he has been advised to approach this Court.

3. Learned Government Advocate submitted that so far as the present enquiry notice dated 12.10.2018 is concerned, it has been issued based on an order passed by this Court in W.P.(MD) No.9971/2018, dated 27.04.2018, wherein, the petitioner has been arrayed as third respondent. The said Writ Petition has been filed by one Mr.M.Sethu for issuance of a writ of mandamus seeking a direction against the Tahsildar, Melur Taluk to remove the encroachment made by the petitioner herein and put up a public pathway in S.No.33/1A1 to an extent of 0.55.0 hectares of Karungalakudi Village, Melur Taluk, based on the representation dated 12.02.2018 of the petitioner therein. It is further stated that in compliance of the said direction issued by this Court to consider the said representation, the authorities have issued the present impugned notice. Therefore, giving reply to the said enquiry notice is not sufficient and the petitioner has to appear for enquiry along with relevant documents, it is pleaded.

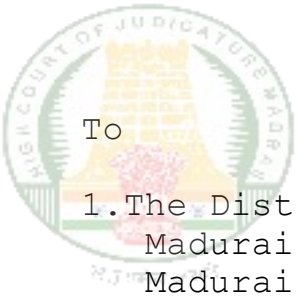
4. Since notice has been issued based on the order passed by this Court dated 27.04.2018 in W.P.(MD) No.9971/2018, we are unable to find any merits in this writ petition. It is stated that the petitioner has already appeared before the Tahsildar for enquiry. Therefore, it is for the second respondent Tahsildar to pass appropriate orders.

5. With the above direction, this writ petition stands disposed of. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //



To

1.The District Collector
Madurai District,
Madurai.

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2.The Tahsildar
Melur Taluk,
Madurai District.

3.The Assistant Engineer,
TANGEDCO
Karungalakudi EB Office,
Karungalakudi
Melur Taluk
Madurai District - 625 101.

+1cc to Mr.S.Chandrasekaran, Advocate, Sr.No.91345.

+1cc to Special Government Pleader Sr.No.91799.

W.P (MD) No.21722 of 2018
and WMP No.19653 of 2018
24.10.2018

RR

RAM-NM/SKN/SAR 1/04.12.2018/3P/6C