



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2018

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

AND

THE HONOURABLE MRS. JUSTICE R.THARANI

W.P. (MD)No.23715 of 2018

and

W.M.P. (MD) .No.21488 of 2018

Ramasamy : Petitioner

Vs.

The Tashildar
Thiruppathur Taluk
Sivagangai District. : Respondent

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned order of the respondent dated 07.11.2018 received by the petitioner on 15.11.2018 and quash the same.

For Petitioner : Mr.J.Anandkumar

For Respondent : Mr.R.Sethuraman
Special Government Pleader

ORDER

[Order of the Court was made by **R.SUBBIAH, J**]

Challenging the impugned order dated 07.11.2018 issued by the respondent, the present writ petition has been filed.

2.Heard Mr.J.Anandkumar, learned counsel appearing for the petitioner and Mr.R.Sethuraman, learned Special Government Pleader appearing for the respondent.

3.The case of the petitioner is that the land in Survey No.116/1C situated at Kallipattu Village, Sivagangai District, wherein his ancestors were living and being in possession and enjoyment of the same for more than 100 years. The said land has been utilized for agriculture purpose and he put up a small dwelling house thereon. In such circumstances, the respondent has issued an enquiry notice dated 17.09.2018 and on receipt of such notice, the petitioner has appeared and submitted his explanation that the land in question is a Natham land and he is living in the said land for the past 40 years. In this regard, the petitioner has made a representation dated 22.10.2018. Since no effective steps were not taken, the present writ petition has been filed.

4.The only submission of the petitioner is that on receipt of the enquiry notice, the petitioner has submitted his explanation and

without considering the same, the respondent has passed the impugned order. He further submitted that the petitioner has made a representation dated 22.10.2018 to the respondent and the same is pending for consideration.

5.The learned Special Government Pleader appearing for the respondent would submit that the petitioner is having appellate remedy before the District Collector. Therefore, this writ petition is not maintainable.

6.Since the petitioner is having appellate remedy, we are not inclined to entertain this writ petition. Hence, the petitioner is at liberty to file an appeal before the District Collector, within a period of two weeks from the date of receipt of a copy of this order. On filing of such appeal, the concerned authority by affording an opportunity of hearing to the petitioner shall pass orders on merit and in accordance with law, within a period of four weeks thereafter. Till such time no coercive steps shall be taken.

7.With the above direction, the writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(ADI)

/True Copy/

Sub Assistant Registrar(CS-II)

To
The Tashildar
Thiruppathur Taluk
Sivagangai District.

+1cc to Mr.J.Anandkumar, Advocate Sr.No.97695

NS

KM/SKN/SAR2/28.12.2018/2P/3C

Order made in
W.P. (MD) No.23715 of 2018
Dated: 29.11.2018