

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 21.02.2019

CORAM :

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

The Hon'ble Mr.JUSTICE M.DURAIWAMY
W.P. No.2456 of 2019

1.Palanivel

2.P.Shanmugam

3.Gurunathan ... Petitioners

-vs-

1.The Revenue Divisional Officer,
Vridhachalam,
Cuddalore District.

2.The Revenue Tashildar,
Tittakudi Taluk,
Cuddalore District.

3.Srinivasan ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus calling for the records of the second respondent in Proceedings No.Mu.Mu.A3/4380/2018, dated 4.1.2019 quash the same consequently direct the respondents not to disturb possession and enjoyment of property in S.No.610/16, Tholar Village, Tittakudi Taluk, Cuddalore District.

For Petitioners : Mr.S.N.Subramani

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

Mr.A.Syed Musthaba
for respondent No.3

ORDER

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

Heard the learned counsel for the petitioners; learned Government Pleader (i/c) for respondent Nos.1 and 2 and the learned counsel for respondent No.3.

2. Being aggrieved by the notice dated 04.01.2019, the petitioners have approached this Court. The said notice is in relation to the encroachment put up by the petitioners in Survey No.610/6, Tholar Village, Tittakudi Taluk, Cuddalore District.

3. We have gone through the notice dated 04.01.2019 issued by respondent No.2. The said notice does not mention the Act or Section under which the same has been issued. In such view of the matter, it would be difficult for the petitioners to reply to such notice or prefer any appeal against the same.

4. Looking to all the above facts, it is seen that the notice dated 04.01.2019 issued by respondent No.2 is bereft of material particulars, hence, we are inclined to quash the said notice.

5. Accordingly, the notice dated 04.01.2019 issued by respondent No.2 is quashed. It would be open to the respondents to issue fresh notice to the petitioners in relation to the alleged encroachment put up by them indicating the relevant Sections and Act under which the notice is being issued and other necessary particulars.

6. The writ petition is allowed in terms aforesaid. No costs. Consequently, W.M.P.No.2813 of 2019 is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Revenue Divisional Officer,
Vriddhachalam,
Cuddalore District.

2.The Revenue Tashildar,
Tittakudi Taluk,
Cuddalore District.

+1cc to Mr.A.Syed Musthaba, Advocate, S.R.No.15993
+1cc to Mr.S.N.Subramani, Advocate, S.R.No.15871
+1cc to the Government Pleader, S.R.No.16615

W.P.No.2456 of 2019

KJI (CO)

rrs 14/03/2019



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