

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2019

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P. No.30001 of 2005
and
W.P.M.P. No.32885 of 2005

M/s.Futnani Dairy Farm,
Rep. by its Managing Director,
Madhusudhan Futnani
1/277, Semancheri Village,
Chennai - 119. Petitioner

Vs.

The Assistant Commissioner,
Land Reforms, Room No.22,
Collector Office Complex,
Villupuram - 605 603.
Tamil Nadu Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records of the respondent in his communication/notice issued under Section 5(1)(d)(ii)(B) of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act 58/61 as amended in his Reference No.A1/638/2001 dated 20.07.2005 and quash the same and forbear the respondent from proceeding with the said communication/notice in any manner.

For Petitioner : Mr.G.Ethirajulu

For Respondent : Mr.S.Suresh Kumar
Government Advocate

O R D E R

The notice under challenge in the present writ petition is a show cause notice calling upon the petitioner as to why, a declaration under Section 20-A (1) of the Tamil Nadu Land Reforms (Fixation of Ceiling on land) Act 58/61 should not be made and also calling upon an explanation from the petitioner herein.

2.Since, the notice is in the form of show cause notice, calling for explanation, the scope of interference under Article 227 of the Constitution of India is very limited. If at all the petitioner is aggrieved, it is always open to them to put forth all their objections before the authorities in the form of reply to the show cause notice, as such, this Court will not be justified to interfere with the show cause notice at this belated stage.

3.Learned counsel for the petitioner submitted that the petitioner herein is a partnership firm, which, the respondent has construed it to be a trust, which is a factual error. Apart from this, the learned counsel for the petitioner has also raised various other grounds before this Court, which also, in my view, can be put forth by way of reply to the show cause notice.

4.With the above observations, the writ petitioner is granted liberty to make appropriate reply to the show cause notice dated 20.07.2005, within a period of sixty (60) days from the date of receipt of a copy of this order. On receipt of any reply to the show cause notice, the appropriate authority shall consider the same and conduct further proceedings in accordance with law, as expeditiously as possible.

5.The writ petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

The Assistant Commissioner,
Land Reforms, Room No.22,
Collector Office Complex,
Villupuram - 605 603.

+1cc to Government Pleader sr.41919

+2cc to M/s.Venkatesh Mohanraj, Advocate sr.41147

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ppa (co)
nr 02/07/2019