IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2019

CORAM

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE M.DURAISWAMY

W.P.No.6341 of 2019

K.Pe.Arumugam .. Petitioner

Vs.

The Special Officer / Block Development Officer
Patharai Village Panchayat
(Pallipalayam Panchayat Union)
Patharai Panchayat , Kumarapalayam Taluk
Namakkal District. .. Respondent

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of certiorari calling for the entire records relating to the impugned order passed by the respondent in his proceedings Na. Ka.No.1202/2018/T2, dated 27.2.2019 and quash the same.

For Petitioner : Mr.C.Prakasam

For Respondent : Mr.V.Jayaprakash Narayanan
Government Pleader (i/c.)

ORDER

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

Heard C.Prakasam, learned counsel for the petitioner and Mr.V.Jayaprakash Narayanan, learned Government Pleader (i/c.) for the respondent.

2. The petitioner has approached this Court being aggrieved by the notice dated 27.2.2019 issued to him in relation to construction of house wall at Survey No.580/1 at Patharai Village, Pallipalayam Union, Namakkal District. In the said notice, the petitioner has been directed to remove the encroachment made on the panchayat pathway within 15 days, failing which action would be taken against the petitioner.

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3. We have perused the said notice. It is noticed that no Act or Section of any Act has been mentioned in the said notice. On going through the said notice, it is not possible to find out as to under what provision the said notice has been issued. In such case, we find much merit in the contention of the learned counsel for the petitioner that he cannot reply to such vague notice or adopt any other remedy in relation to the said notice.

4. Looking to the fact that the notice does not bear essential and necessary facts, we are inclined to quash the said notice. Accordingly, the said notice is quashed. However, we clarify that it would be open to the respondent to issue fresh notice in accordance with law citing the necessary Act and the Section under which the notice is being issued.

The writ petition is disposed of accordingly. No costs. Consequently, W.M.P.Nos.7176 and 7179 of 2019 are closed.

-s/d-
Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

sasi
To:

The Special Officer / Block Development Officer
Patharai Village Panchayat
(Pallipalayam Panchayat Union)
Patharai Panchayat , Kumarapalayam Taluk
Namakkal District.

+1 CC to Mr.C.Prakasam, Advocate sr 24159.

+1 CC to Mr.V.Jayaprakash Narayanan, Advocate sr 24479.

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SP(18/03/2019)

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