

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2019

CORAM :

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

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.19028 of 2019

V.Murugan

.. Petitioner

-vs-

1. The Secretary to Government,  
Revenue Department,  
Secretariat, Chennai - 600 009.
2. The District Collector,  
Tiruvannamalai District,  
Tiruvannamalai.
3. The District Revenue Officer (DRO),  
Collector Office,  
Tiruvannamalai District,  
Tiruvannamalai - 606 604.
4. The Zonal Director,  
Town Panchayat,  
Vellore - 632 012,  
Vellore District.
5. The Revenue Divisional Officer (RDO),  
Cheyyar Division, Cheyyar,  
Tiruvannamalai District.
6. The Thasildar,  
Taluk Office, Vandavasi - 604 408,  
Tiruvannamalai District.
7. The Commissioner,  
Vandavasi Town Panchayat,  
Vandavasi - 604 408,  
Tiruvannamalai District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari to call for the records in his proceedings Na.Ka.No.1288/2018/N.A.B-dated 01.06.2019 by the 7<sup>th</sup> respondent and quash the same.

For Petitioner : Mr.T.V.G.Kartheeban

For Respondents : Mr.S.Kamalesh Kannan  
Government Advocate

ORDER

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

Heard Mr.T.V.G.Kartheeban, learned counsel for the petitioner and Mr.S.Kamalesh Kannan, learned Government Advocate for the respondents.

2. The prayer of the petitioner is to quash the notice dated 01.06.2019 issued by respondent No.7 i.e., the Commissioner, Vandavasi Town Panchayat. The said notice states that the petitioner has encroached 994 square feet of area in Ward B, Block-4, Town Survey No.86/1 (Old Survey No.448/4), Annasamy Mudali Street, Vandavasi Town. Hence, the petitioner was called upon to evict himself from the said area.

3. The learned counsel for the petitioner pointed out that the notice does not mention under what Section of the Act or what Act the said notice has been issued and in such circumstances, it would be difficult for the petitioner to reply to the said notice or make any representation against the said notice.

4. We have gone through the notice dated 01.06.2019 issued by respondent No.7. The said notice does not mention under what Section of the Act or what Act the same has been issued. Hence, we find much merit in the submission made by the learned counsel for the petitioner that it would be difficult for the petitioner to reply to the said notice or make any representation against the same.

5. Looking to all the above facts, it is seen that the notice dated 01.06.2019 issued by respondent No.7 is bereft of material particulars, hence, we are inclined to quash the said notice.

6. Accordingly, the notice dated 01.06.2019 issued by respondent No.7 is quashed. It would be open to the respondents to issue fresh notice to the petitioner after mentioning the relevant provision of the Act under which the notice is being issued and other necessary particulars.

7. The writ petition is allowed in terms aforesaid. No costs. Consequently, W.M.P.No.18377 of 2019 is closed.

Sd/-  
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

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Vandavasi Town Panchayat,  
Vandavasi - 604 408,  
Tiruvannamalai District.

+1 cc to M/s.T.V.G.Kartheeban, Advocate, S.R.No.57826

+1 cc to the Government Pleader, S.R.No.58310

W.P.No.19028 of 2019

KS(CO)  
SSM(29/07/2019).