

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.08.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.23636 of 2019
and W.M.P.No.23452 of 2019

M.Ramasubramaniam

.. Petitioner

-vs-

The Assistant Engineer
Public Works Department,
Canal Section-I, Vettaikaranpudur & Post,
Anaimalai Taluk, Coimbatore District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari, to call for the entire records relating to the impugned order, passed by the respondent in his Letter No.AE/Ve.Pu/Ko.C3/105/2019, dated 29.07.2019 and quash the same.

For Petitioner : Mr.C.Prakasam

For Respondent : Mr.S.N.Parthasarathi
Govt. Advocate

सत्यमेव जयते

O R D E R

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

Heard Mr.C.Prakasam, learned counsel for the petitioner and Mr.S.N.Parthasarathi, learned counsel for the respondent.

2.The case of the petitioner is that he is residing at 21/06, Theatre Road, Kottur Village, Anaimalai Taluk and he is seeking quashing of the notice dated 29.07.2019 issued by the respondent - The Assistant Engineer, Public Works Department, Canal Section-1, Vettaikaranpudur.

3.The learned counsel for the petitioner submitted that the said notice is vague and confusing, hence, the petitioner is not able to prefer an appeal or adopt any other remedy against the said notice. He pointed out that the notice mentions that it is under Section 5 of Act 3 of 1905, which is Tamil Nadu Land Encroachment Act, 1905, and it also mentions that it is under the Tamil Nadu Act 8 of 2007, which pertains to the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007. He further submitted that thus the petitioner is not able to know whether it pertains to encroachment on a water body or it is an encroachment of any Government land.

4.On a perusal of the said notice, we find much merit in the contention raised by the learned counsel for the petitioner that the notice is vague and confusing, hence, it is not possible for the petitioner to adopt an appropriate remedy against the same.

5.In this view of the matter, we quash the said notice dated 29.07.2019 issued by the respondent. However, we observe that it would be open to the authorities, if it is found that there is any encroachment by the petitioner, to issue a fresh notice stating the correct Act and the relevant sections of the Act.

With the above observation, the writ petition is disposed of. No costs. Consequently, W.M.P.No.23452 of 2019 is closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

sra
To

The Assistant Engineer
Public Works Department,
Canal Section-I, Vettaikaranpudur & Post,
Anaimalai Taluk, Coimbatore District.

+1cc to Mr.C.Prakasam Advocate, S.R.No.69919
+1cc to the Government Pleader, S.R.No.70211

(CO)
GN(30/08/2019)

W.P.No.23636 of 2019