

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.12.2020

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN  
AND  
THE HONOURABLE MR. JUSTICE P.RAJAMANICKAM

WP.No.18746/2020  
and W.M.P.23283/2020

M.Kasthuri ... Petitioner

Versus

- 1.The District Collector,  
Kallakurichi District,  
Kallakurichi.
- 2.The District Revenue Officer,  
Kallakurichi District,  
Kallakurichi.
- 3.The Revenue Divisional Officer,  
Thirukovilur, Kallakurichi District.
- 4.The Revenue Tahsildar,  
Ulundurpet Taluk,  
Ulundurpet,  
Kallakurichi District.
- 5.The Executive Officer,  
Ulundurpet Selection Grade Town Panchayat,  
Ulundurpet, Kallakurichi District. ... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorari calling for the entire records in pursuant to the notice issued by the 4<sup>th</sup> respondent vide A3/5136/2020 dated 24.11.2020 and quash the same.

For Petitioner : Mr.M.R.Sakunthala

For Respondents: Mr.V.Jayaprakash Narayanan  
Government Pleader

## ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J. through video conferencing]

By consent, the Writ Petition is taken up for final disposal. Mr.V.Jayaprakash Narayanan, learned Government Pleader accepts notice on behalf of the respondents.

2. The petitioner, through a registered Sale Deed dated 01.12.2016, bearing Doc.No.3369 of 2016, registered on the file of the Sub Registrar Office, Ulundurpet, claims to have purchased 2762 ¼ sq.ft of the vacant land in S.F.No.165/4, Ulundurpet Village, Virudhachalam.

3. The learned counsel appearing for the petitioner would submit that the said property forms part of an approved layout bearing No.113/2002, as well as approved by the resolution of the Ulundhurpet Panchayat dated 23.01.2003 in Na.Ka.No.Aa2/1155/2001.

4. The learned counsel appearing for the petitioner by drawing the attention of this Court to the impugned notice dated 24.11.2020, sent by the 4<sup>th</sup> respondent, would submit that under the said notice, action is sought to be initiated under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 and the contents of the notice did not disclose the survey number as well as the extent of the land and in the absence of such necessary and vital particulars, the notice per se is unsustainable in law and also points out that even in the above Sale Deed, above title has been traced and as such, the 4<sup>th</sup> respondent has issued the notice under misconception of facts and hence prays for interference.

5. Mr.G.Rajesh, learned Government Advocate, representing Mr.Jayaprakash Narayanan, learned Government Pleader appearing for the official respondents would submit that since action has been taken by following due process of law, the petitioner cannot make any grievance and prays for dismissal of this Writ Petition.

6. This Court has carefully considered the rival submissions and also perused the materials placed before it.

7. A perusal of the impugned notice dated 24.11.2020, in A3/5136/2020, sent by the 4<sup>th</sup> respondent to the petitioner would disclose no survey number and only the extent of land and the place of location of the said land has been indicated. In the considered opinion of this Court, in the absence of such vital

particulars, the notice on the face of it, is per se unsustainable and hence on the sole ground, it warrants interference.

8. In the result, the Writ Petition is Partly Allowed and the impugned notice in No.A3/5136/2020 dated 24.11.2020, on the file of the 4<sup>th</sup> respondent, is set aside and it is open to the 4<sup>th</sup> respondent to follow due process of law, by issuing a notice with clear description of the alleged encroachments and upon receipt of the same, it is open to the petitioner to workout their remedy, in accordance with law. No costs. Consequently connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

- 1.The District Collector,  
Kallakurichi District,  
Kallakurichi.
- 2.The District Revenue Officer,  
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Ulundurpet Selection Grade Town Panchayat,  
Ulundurpet, Kallakurichi District.

+1cc to M/s.M.R.Sakunthala, Advocate Sr.41062

WP.No.18746/2020

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srg 20/01/2021