



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)No.19270 of 2021

and

W.M.P(MD)Nos.16026 & 16027 of 2021

N.Rajeshwari

... Petitioner

Vs.

1.The District Collector,
O/o.District Collectorate,
Kanyakumari District.

2.Thasildar,
Agasteeswaram Taluk,
Kanyakumari District.

3.The Assistant Engineer,
Water Resource Organisation,
Irrigation Section,
Nagercoil,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned eviction notice in Ka.No.Ko.12/407/2021 dated 19.08.2021 on the file of the third respondent and to quash the same, as illegal.

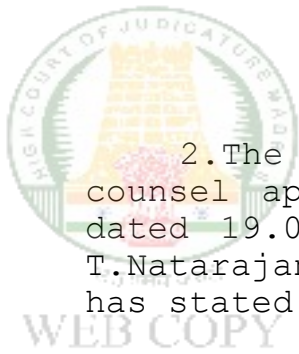
For Petitioner : Mr.T.Lajapathi Roy

For Respondent : Mr.P.Thilak Kumar
Government Pleader

ORDER

(Order of the Court was made by **M.DURAI SWAMY, J.**)

The petitioner has filed the above Writ Petition to issue a Writ of Certiorari, to call for the records pertaining to the impugned eviction notice dated 19.08.2021 on the file of the third respondent and to quash the same.



2.The only contention raised by Mr.T.Lajapathi Roy, learned counsel appearing for the petitioner is that the impugned notice dated 19.08.2021 was issued in the name of a dead person namely T.Natarajan, who is the husband of the petitioner. The petitioner has stated that the said T.Natarajan had died on 12.05.2021.

3.Since the notice has been issued in the name of a dead person, Mr.P.Thilak Kumar, learned Government Pleader appearing for the respondents, submitted that the third respondent would issue a fresh notice to the petitioner and thereafter, remove the encroachment in the land in dispute.

4.Since the impugned notice dated 19.08.2021 has been issued in the name of a dead person, the impugned notice, dated 19.08.2021 is liable to be set aside. Accordingly, the same is set aside. We direct the third respondent to issue a fresh notice to the petitioner and take appropriate action for removing the encroachment in accordance in law.

5.With these observations, the Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(Writs)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ps

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1.The District Collector,
O/o.District Collectorate,
Kanyakumari District.



2.Thasildar,
Agasteeswaram Taluk,
Kanyakumari District.

3.The Assistant Engineer,
Water Resource Organisation,
Irrigation Section,
Nagercoil,
Kanyakumari District.

+1 CC to M/s.SPL.GP (SR-33183[F] dated 29/10/2021)

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-33159[F] dated
29/10/2021)

**W.P (MD) No.19270 of 2021
28.10.2021**

TR/PM(16.11.2021) 3P 6C