



W.P.No.26547 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2022

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THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.26547 of 2022

and

W.M.P.Nos.25604 and 25605 of 2022

S. Nataraj

...Petitioner

Vs.

1. The District Registrar,
District Registrar Office (Admin),
1/529, Neruperichal Villge,
Pooluvapatti 641 602,
Tiruppur District.
2. The Sub-Registrar,
Sub Registrar Office,
Palladam,
Tiruppur District.
3. The Commissioner,
Palladam Panchayat Union,
Palladam, Tiruppur District.
4. Semmipalayam Village Panchayat,
Represented by its President,
Semmipalayam, Palladam Taluk,
Tiruppur District.



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5. N. Pandarinathan
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...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned notices dated 29.07.2022 and 06.09.2022 made in Na.Ka.No.2803/Aa5/2022 issued by the first respondent, quash the same and consequently forbear the respondents 1 to 4 from interfering with the petitioner's right to shelter/property in and over the petitioner house site No.11 bearing Dor No.3/496-I, S.F.Nos.131/2 and 132, Harivaradhan Nagar, Semmipalayam Village, Palladam Taluk, Tiruppur District and pass orders.

For Petitioner : Mr.N. Manokaran
For Respondents1 and 2 : Mr.C. Kathiravan SGP
For Respondents 3 and 4 : Mr.C. Selvaran AGP

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records relating to the impugned notices dated 29.07.2022 and 06.09.2022 made in Na.Ka.No.2803/Aa5/2022 issued by the first respondent, quash the same and consequently forbear the respondents 1 to 4 from interfering with the petitioner's right to shelter/property in and over the petitioner house site No.11 bearing Dor No.3/496-I, S.F.Nos.131/2 and 132, Hrivaradhan Nagar,



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Semmipalayam Village, Palladam Taluk, Tiruppur District.

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2. The learned Additional Government Pleader and Special Government Pleader takes notice for the respondents. In view of the consent expressed by the learned counsel appearing for either side, this petition is taken up for final disposal.

3. The case of the petitioner is that the petitioner purchased the property in S.F.No.131/2 (2.98 acres) and S.F.No.132(1.02 acres), in Semmipalayam Village, Palladam Taluk, Tiruppur district from the 5th respondent and his two brothers and the same came to be registered on 23.02.1959 vide document No.173/1959. Subsequently the petitioner obtained plaining permission and constructed a house. When this being the case the first respondent issued the impugned enquiry notices dated 29.07.2022 and 06.09.2022 alleging that the subject property is meant for Open Space Reserve and the same was given to the 4th respondent/Panchayat by way of a gift deed dated 16.04.1998 and registered as document No.1249 of 1998. Hence the petitioner has filed this writ petition to cancel the impugned notices dated 06.09.2022 and 29.07.2022 and to forbear the respondents 1 to 4 from interfering with the subject property.



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4. The learned counsel appearing for the petitioner submitted that he is the bonafide purchaser of the subject property and the 4th respondent/Panchayat has granted NOC after verifying the authenticity of the documents. He further contents that if the subject property is a Open Space Reserve the 4th respondent ought not to have granted NOC. Hence he prays this Court to pass appropriate orders.

5. The learned Additional Government Pleader and Special Government Pleader appearing on behalf of the official respondents submitted that the orders will be passed on the impugned notice on merits and in accordance with law.

6. Considering the facts of the case, this Court without expressing any opinion on the merits of the case directs the first respondent to conduct an enquiry on the impugned notices issued and pass appropriate orders on merits and in accordance with law, after affording reasonable opportunity of hearing to the petitioner as well as the aggrieved parties if any, within a period of twelve weeks from the date of receipt of a copy of this order.



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29.09.2022

Speaking Order : Yes/ No
Index : Yes/ No

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To

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Pooluvapatti 641 602,
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M.DHANDAPANI,J.

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