



W.P.No.11660 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2023

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.11660 of 2023

A.Dandapani

.. Petitioner

Vs

The Commissioner,
Tiruvannamalai Municipality,
Office of the Commissioner,
Tiruvannamalai District.

.. Respondent

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari calling for the records pertaining to the order passed by the respondent in his proceedings in Na.Ka.No.3694/2022/F2 dated 27.03.2023 and to quash the same.

For the Petitioner : Mr.V.Karthikeyan

For the Respondent : Mr.L.P.Maurya
Standing Counsel



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ORDER

(Order of the court was made by the Hon'ble Acting Chief Justice)

A.Dandapani, son of Late S.Annamalai, a resident of Pudhumettu Theru, Tiruvannamalai District, has filed this writ petition seeking issuance of a writ of certiorari to call for the records pertaining to the order passed by the respondent in his proceedings in Na.Ka.No.3694/2022/F2 dated 27.03.2023 and to quash the same.

2. Mr.V.Karthikeyan, learned counsel for the petitioner, submitted that when a similar notice was issued in the name of his dead father, Late S.Annamalai, he filed W.P.No.28053 of 2022 and this court, by order dated 20.10.2022, considering the fact that the notice has been issued against a dead person, quashed the notice and allowed the writ petition granting liberty to the respondent to issue fresh notice to the petitioner and proceed in accordance with law. He submitted that pursuant to the aforesaid order, the respondent issued the impugned notice dated 27.3.2023, calling upon the petitioner to vacate and hand over the land of an extent of



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24 x 8 sq.ft. in Survey No.325, which is classified as "Municipal land", within 21 days, without considering the fact that the land in question has been assigned to the petitioner's family way back in 1989. Therefore, he pleaded that the impugned notice may be quashed.

3. Mr.L.P.Maurya, learned Standing Counsel appearing on behalf of the respondent, submitted that the petitioner is neither the owner, nor the assignee of the land and inasmuch as there is no title in favour of the petitioner with regard to the land in question, the writ petition may be dismissed.

4. We have perused the document dated 16.2.1989 on which heavy reliance was placed by learned counsel for the petitioner to contend that the land has been assigned to the petitioner's family. It only records the no-objection of the Municipal Council to assign the land to the petitioner's family, who are encroachers of the said land. However, there is no shred of material to show that the petitioner's family has been assigned the said land. The said



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document dated 16.2.1989 cannot be construed to confer any title over the land in question in favour of the petitioner's family.

5. In any event, if the petitioner is aggrieved by the impugned notice, he ought to have approached the respondent with material to substantiate his title or ownership. Without resorting to such recourse, the petitioner cannot straightaway knock the doors of the court to invoke the extraordinary jurisdiction under Article 226 of the Constitution of India.

For the foregoing reasons, the writ petition is dismissed. There will be no order as to costs. Consequently, W.M.P.No.11561 of 2023 is closed.

(T.R., ACJ.) (D.B.C., J.)
18.04.2023

Index : No
Neutral Citation : No
sasi



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To:

The Commissioner,
Tiruvannamalai Municipality,
Office of the Commissioner,
Tiruvannamalai District.



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THE HON'BLE ACTING CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J.

(sasi)

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