



W.P.(MD).No.13356 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 08.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V. KARTHIKEYAN

**W.P.(MD).No.13356 of 2023
and
W.M.P.(MD)No.11258 of 2023**

Sangilimuthu

... Petitioner

Vs.

**1.The District Collector,
Karur District.**

**2.The Tahsildar,
Kulithalai,
Karur District.**

**3.The Special Tahsildar,
Tamil Nadu Arasu Cable TV Corporation Limited,
Karur District.**

...Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records pertaining to the impugned demand notice passed by the second respondent in Na.Ka.No.A7/7101/2022 dated 03.05.2023 (received on 16.05.2023) and quash the same.



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For Petitioner : Mr.Porkodi Karnan

For Respondents : Mr.J.Ashok
Additional Government Pleader
for R1 to R3

ORDER

The writ petition has been filed in the nature of certiorari questioning a demand notice passed by the second respondent, Tahsildar, Kulithalai in Karur District in Na.Ka.A7/7101/2022 dated 03.05.2023 and to interfere with the same. The said notice had been issued taking recourse to the provisions of Revenue Recovery Act.

2. Learned counsel for the petitioner however, questions the same, on the ground that prior notice was not issued, seeking explanation from the petitioner herein and stated that if that had been done, the petitioner could have offered necessary explanation towards the demand. It is also contended by the learned counsel for the petitioner that the notice is bereft of even basic details about the period for which the demand is raised.



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3. Learned Additional Government Pleader stated that notice has been issued consequent to the earlier order passed by the District Collector.

4. However, it is only appropriate that the petitioner is issued with a show cause notice giving an opportunity to give necessary explanation and thereafter a final notice should have been issued to the petitioner herein. Further, necessary details will also have to be given to the petitioner relating to the basis for issuing the impugned notice.

5. In view of these reasons, the notice impugned in converted as show cause notice issued to the petitioner herein and the petitioner may give a reply to this particular notice and also seek particulars relating to the period for which such demand is sought and thereafter, after giving proper opportunity, let final orders be passed by the respondents herein in the manner known to law. The respondents may only keep in mind that they must adhere to the procedure as stipulated and as approved by law before coming to a final conclusion or passing final orders.



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6. This Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition stands closed.

08.06.2023

NCC : Yes / No
Index: Yes/No
Internet: Yes/No
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To

- 1.The District Collector,
Karur District.
- 2.The Tahsildar,
Kulithalai,
Karur District.
- 3.The Special Tahsildar,
Tamil Nadu Arasu Cable TV Corporation Limited,
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C.V. KARTHIKEYAN, J.

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