



W.P.(MD) No.542 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.02.2024

CORAM:

THE HONOURABLE **MR.JUSTICE D.KRISHNAKUMAR**

AND

THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

W.P.(MD)No.542 of 2019

and

W.M.P.(MD)No.445 of 2019

Ammaiyappan

... Petitioner

-Vs-

1.The District Collector,
Karur District, Karur.

2.The Revenue Divisional Officer,
Karur, Karur District.

3.The Tahsildar,
Karur Taluk, Karur District.

4.The Commissioner,
Karur Municipality, Karur.

5.Palanichamy

... 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 order passed by the 3rd respondent in his proceedings in Na.Ka.No.A4/6236/2019, dated 03.01.2019 and quash the same and consequently, forbearing the



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respondents from evicting the petitioner and his family members from the property in Survey Nos.203 and 461, LNS Village, Karur Taluk except following due process of law.

For Petitioner : Mr.C.Mayilvahana Rajendran
For R1 to R3 : Mr.S.P.Maharajan,
Special Government Pleader
For R4 : Mr.K.Balasubramani
For R5 : Mr.E.K.Kumaresan

ORDER

[Order of the Court was made by *D.KRISHNAKUMAR, J.*]

The enquiry notice dated 03.01.2019 issued by the 3rd respondent, is under challenge in this Writ Petition.

2.A perusal of the impugned enquiry notice reveals that the 3rd respondent, based on the complaint given by the 5th respondent stating that the petitioner has encroached upon the public pathway in Survey No.203, LNS Village, Karur Taluk, asked the petitioner to appear for enquiry before the 3rd respondent along with all the original documents on 04.01.2019.



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3. At the outset, we are of the view that no Writ against the enquiry notice is entertainable, unless the said notice has been issued by an incompetent authority having no jurisdiction or tainted with *mala fide* allegation. In all other circumstances, a person received notice is expected to participate in the process of enquiry by availing opportunities to be provided by the competent authority. Therefore, this Writ Petition is not maintainable, accordingly, the same stands dismissed. The 3rd respondent is directed to issue fresh enquiry notice to the petitioner to appear in person and it is for the petitioner as well as the 5th respondent to submit their respective objections, if any before the 3rd respondent, who in turn on receipt of the same, shall take appropriate action in the manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.] & [R.V., J.]
29.02.2024

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

Yuva



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AND

R.VIJAYAKUMAR, J.

Yuva

To

- 1.The District Collector,
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- 2.The Revenue Divisional Officer,
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- 3.The Tahsildar,
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