



WEB COPY



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W.P.(MD)NO.25854 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.10.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.25854 of 2024 and

W.M.P.(MD)No.21948 of 2024

C.Thangamani

... Petitioner

Vs.

1. The District Collector,
Pudukkottai District,
Pudukkottai.

2. The Tahsildar,
Ponnamaravathi Taluk,
Pannamaravathi,
Pudukkottai District.

3. The Executive Officer,
Ponnamaravathi Town Panchayat,
Ponnamaravathi,
Pudukkottai District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned notice issued by the third respondent vide his proceedings in Na.Ka.No.803/A1/2020 dated 15.10.2024 and to quash the same as illegal and consequently forbearing the third respondent from taking any coercive action against the petitioner for removing the



building namely Priya Bakery comprised in S.No.830/1(old S.No.273) at Ponnamaravathi West Village, Ponnamaravathi Taluk, Pudukkottai District till the disposal of the suit in O.S.No.18 of 2024 pending on the file of the Sub Court, Thirumayam.

For Petitioner : Mr.D.Srinivasaragavan

For Respondents : Mr.K.Balasubramani,
Special Government Pleader.

* * *

ORDER

Heard both sides.

2. We are satisfied that survey No.830 of Ponnamaravathi Taluk has been classified as a water body. However, we are constrained to interfere on the sole reason that the noticee is a dead person. It is well settled that the notice issued against a dead person is nullity. On this sole ground, we set aside the impugned order. We grant liberty to the third respondent to issue fresh notice as per law. This writ petition stands allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.SWAMINATHAN, J.) & (B.PUGALENDHI, J.)

29th October 2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

PMU



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