

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.06.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.P. Nos.15749 and 15750 of 2015 and M.P. Nos.1 of 2015

S. Jayaraman Petitioner in W.P. No.15749 of 2015
Rajathi Petitioner in W.P. No.15750 of 2015

vs.

- 1 The Block Development Officer
(Village Panchayats)
Sendurai Panchayat Union
Sendurai Taluk
Ariyalur District
 - 2 The President
Pilakkurichi Village Panchayat
Pilakkurichi
Sendurai
Ariyalur District
- Respondents in both the writ petitions

Writ Petitions filed under Article 226 of the Constitution of India seeking a writ of certiorari, calling for the records of the first respondent in his proceedings Nil dated 25.05.2015 and quash the same.

For petitioner in
both the WPs Mr. S. Kamadevan

For respondents in Mr. S. Gunasekar
both the WPs Government Advocate

COMMON ORDER

(Order of the Court was made by SATISH K. AGNIHOTRI, J.)

Since the issue involved in both these writ petitions is one and the same, these writ petitions are being considered and decided by this common order.

2 Mr. S. Gunasekar, learned Government Advocate, accepts notice for the respondents. With the consent of the learned counsel for the parties, both the writ petitions are taken up for final disposal, at the admission stage itself.

3 The petitioners, feeling aggrieved by the notices dated 25.05.2015 issued under the provisions of Section 7 of the Tamil Nadu Land Encroachment Act, 1905, (for short "the Act"), calling upon them to show cause as to why action for levy of penalty and also for removal of encroachment, be not taken against them, have come up with the instant writ petitions, questioning the jurisdiction of the first respondent, viz., the Block Development Officer, in issuing the said notices.

4 The learned counsel for the petitioners submits that the Block Development Officer has no jurisdiction to issue the impugned notices under the provisions of Section 7 of the Act and also pass consequential order under Section 6 of the Act.

5 At this stage, we do not propose to go into the issue of jurisdiction of the authority concerned, as the impugned notices are in the nature of show cause notice. However, we reserve liberty to the petitioners to submit a representation/explanation to the show cause notices, pointing out lack of jurisdiction, if any, as pleaded by them, before the authority concerned. The authority concerned is directed to advert to each and every objection/issue raised by the petitioners in their representation/explanation to be filed, pursuant to the aforesaid notices. Needless to state that no consequential action to remove the encroachment shall be taken without passing appropriate orders under Section 6 of the Act.

6 The writ petitions stand disposed of with the above observations. Costs made easy. Connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

cad

To

1 The Block Development Officer
(Village Panchayats)
Sendurai Panchayat Union
Sendurai Taluk
Ariyalur District

2 The President
Pilakkurichi Village Panchayat
Pilakkurichi
Sendurai
Ariyalur District

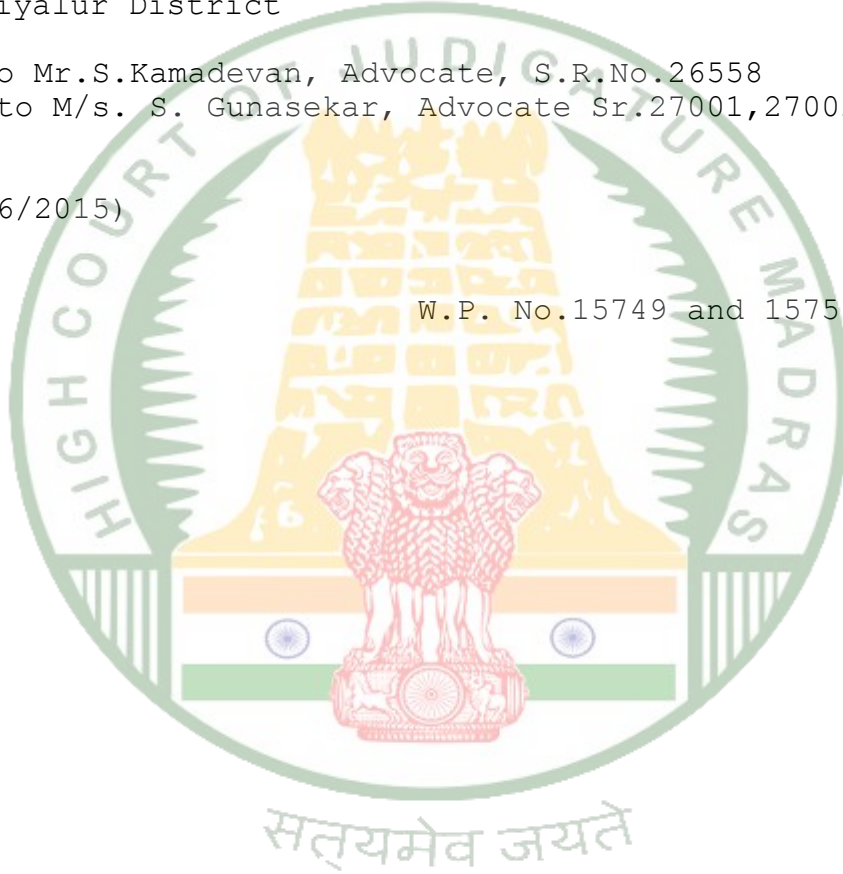
+1 cc to Mr.S.Kamadevan, Advocate, S.R.No.26558

+2 ccs to M/s. S. Gunasekar, Advocate Sr.27001,27002

AD(CO)

EU(12/06/2015)

W.P. No.15749 and 15750 of 2015



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