



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

AND

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.[MD].Nos.23103 to 23109 of 2016

and

W.M.P. (MD)Nos.16577 to 16590 of 2016

P.Palanisamy @ Palaniyandi	: Petitioner in W.P.(MD)No.23103/2016
K.Palanisamy	: Petitioner in W.P.(MD)No.23104/2016
Sekar @ Arumugam	: Petitioner in W.P.(MD)No.23105/2016
A.Chinnu	: Petitioner in W.P.(MD)No.23106/2016
K.Mookan	: Petitioner in W.P.(MD)No.23107/2016
Vellaiyan	: Petitioner in W.P.(MD)No.23108/2016
Adaikan	: Petitioner in W.P.(MD)No.23109/2016

Vs.

1.The District Collector,
Trichirappalli,
Trichirappalli District.

2.The Block Development Officer,
Panchayat Union,
Marungapuri & Taluk,
Trichirappalli District.: Respondents in all W.Ps.

COMMON PRAYER: Writ Petitions are filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the records relating to the second respondent herein impugned Na.Ka.No.A2/4155/2015, dated 03.11.2016 and quash the same.

For Petitioners : Mr.S.Gopalamanikandan

For Respondent No.1 : Mr.T.R.Janarthanan,
Additional Government Pleader

For Respondent No.2 : Mr.R.Velmurugan,
Government Advocate

COMMON ORDER

[Order of the Court was made by **S.NAGAMUTHU, J.**]

In all these matters, the petitioners have challenged the respective notice issued by the second respondent in his proceedings in Na.Ka.No.A2/4155/2015, dated 03.11.2016, calling upon the petitioners to remove the encroachments.



2. We have heard the learned counsel for the petitioners, Mr.T.R.Janarthanan, learned Additional Government Pleader, taking notice for the first respondent and Mr.R.Velmurugan, learned Government Advocate, taking notice for the second respondent. We have also perused the records carefully.

3. A perusal of the notices would go to show that even survey number and other details of the lands have not been mentioned. Above all, the Block Development Officer has no jurisdiction to remove the encroachment. It is for the Revenue Authorities to do the same. Therefore, all the notices are quashed, however, with liberty to the first respondent to initiate appropriate action through the competent authority for removal of encroachments.

4. The Writ Petitions are allowed with liberty as indicated above. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS I)

/True Copy/

Sub Assistant Registrar(CS-3)

To

1.The District Collector,
Trichirappalli,
Trichirappalli District.

2.The Block Development Officer,
Panchayat Union,
Marungapuri & Taluk,
Trichirappalli District.

+7cc to Mr.S.Gopalamaniandan, Advocate in SR Nos.78775 to 78781
+1cc to Mr.R.Velmurugan, Advocate in SR No.78609
+1cc to the Spl.Govt.Pleader in SR No.78124.

Common Order made in
W.P.[MD].Nos.23103 to 23109 of 2016
30.11.2016

sml

anr/km/sar3/15.12.2016/2p/12c