



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

AND

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.11201 of 2017

and

W.M.P. (MD) No.8594 of 2017

Marthanna

.. Petitioner

Vs.

1. The District Collector,
Thoothukudi District,
Thoothukudi.
2. The Tahsildar,
Kovilpatti,
Thoothukudi District.
3. The Block Development Officer,
(Village Panchayat),
Kuruvikulam Union,
Sankarankovil Taluk,
Tirunelveli District.
4. S.Solaiyappan

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the records relating to the impugned order in Na.Ka.No.A3/3967/2016, dated 10.05.2017 passed by the third respondent and quash the same.

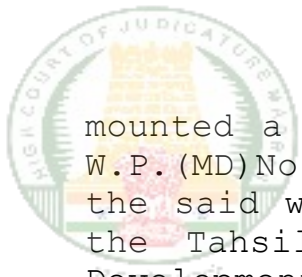
For petitioner	: Mr.C.Sankar Prakash
For RR 1 & 2	: Mr.M.Govindan, Special Government Pleader.
For R - 3	: Mr.S.Kumar

ORDER

[Order of the Court was made by **G.R.SWAMINATHAN, J.**]

The writ petitioner has filed this Writ Petition questioning the eviction order, dated 10.05.2017 issued by the third respondent herein.

2.The writ petitioner is in occupation of Odai Poramboke. Earlier the second respondent issued notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905. The writ petitioner herein



mounted a collateral challenge to the said proceedings by filing W.P.(MD)No.5232 of 2016 before this Court and this Court dismissed the said writ petition on 16.03.2016. Thereafter, it appears that the Tahsildar took further action. It appears that the Block Development Officer, Kuruvikulam Village, has passed the impugned order dated 10.05.2017. As per Section 7 of the Tamil Nadu Land Encroachment Act, 1905, it is only the Collector or Tahsildar or Deputy Tahsildar or Revenue Inspector or any authorized officer by the State Government, who can act in the matter.

3.It is not shown that the Block Development Officer is one such specified Authorised Officer. Therefore, on the ground of jurisdiction, we set aside the impugned order, dated 10.05.2017 passed by the third respondent. The matter is remitted to the file of the second respondent/the Tahsildar, Kovilpatti, Thoothukudi District to pass fresh orders in accordance with law.

4.The Writ Petitioner is given four weeks time from today to file his objection to the second respondent. The Tahsildar, Kovilpatti, Thoothukudi District shall pass final orders within a period of four weeks thereafter.

5.With the above direction, this Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (RTI)

/True copy/

Sub Assistant Registrar

To

1. The District Collector,
Thoothukudi District, Thoothukudi.
2. The Tahsildar,
Kovilpatti, Thoothukudi District.
3. The Block Development Officer,
(Village Panchayat), Kuruvikulam Union,
Sankarankovil Taluk, Tirunelveli District.

+1 CC to M/s.C.SANKAR PRAKASH, Advocate, SR No. 66004/17.

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No. 66578/17.

PS/SM

PSM/JC/SAR1/26.07.2017/2P/6C

W.P. (MD)No.11201 of 2017
18.07.2017