



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 11.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) Nos.15117 to 15120 of 2017
and
W.M.P. (MD) .Nos.11919 to 11922 of 2017

Visukku @ Adaikkan : Petitioner in W.P(MD).No.15117 of 2017
Kumar : Petitioner in W.P(MD).No.15118 of 2017
Vellakannu : Petitioner in W.P(MD).No.15119 of 2017
A.Chinniah : Petitioner in W.P(MD).No.15120 of 2017

Vs.

- 1.The District Collector,
Madurai District, Madurai.
- 2.The Tahsildar,
Melur Taluk, Madurai District.
- 3.The Village Administrative Officer,
No.9, Manappacheri Village,
Melur Taluk, Madurai District. .. Respondents in all WP's

COMMON PRAYER: Petitions filed under Article 226 of the Constitution of India to issue a Writ of Mandamus Certiorarified to call for the entire records pertaining to the impugned notice issued by the third respondent signed on 04.08.2017 in respect of the property in Survey No.360 at No.9, Manappacheri Village, Melur Taluk, Madurai District and quash the same and consequently direct the respondents not to interfere into Petitioner's peaceful possession and enjoyment of the said property.

For petitioners : Mr.R.Anand in all WP's
For respondents : Mr.T.S.Mohammed Mohideen
Additional Government Pleader in all WP's

COMMON ORDER

[Order of the Court was made by K.K.SASIDHARAN, J.]

By consent, the Writ Petitions are taken up for final disposal during the time of admission.



2. The show cause notices issued by the Village Administrative Officer, Manappacheri Village, Melur Taluk, Madurai District, directing the petitioners in the respective Writ Petitions to show cause as to why the encroachment should not be removed, are under challenge in these Writ Petitions, primarily on the ground that the Village Administrative Officer has no authority to initiate proceedings for eviction.

3. We have heard the learned counsel appearing for the petitioner and we have also heard the learned Additional Government Pleader appearing for the respondents.

4. The notices in question have been issued by the Village Administrative Officer, Melur Taluk, calling upon the petitioners in the respective Writ Petitions to show cause as to why the alleged encroachment should not be removed. The Village Administrative Officer is not the competent authority to initiate the action of eviction. The Village Administrative Officer appears to have over stepped in his jurisdiction and issued the impugned notices. Though it is a fit case for imposing cost on the Village Administrative Officer, we refrain from doing so, as we are informed that this is a first case, in which such jurisdiction was exercised by the Village Administrative Officer.

5. The impugned notices challenged in the respective Writ Petitions are quashed on the point of jurisdiction. The Writ Petitions are allowed, as indicated above. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub-Assistant Registrar

To:

1. The District Collector,
Madurai District, Madurai.
2. The Tahsildar,
Melur Taluk, Madurai District.
3. The Village Administrative Officer,
No.9, Manappacheri Village,
Melur Taluk, Madurai District.

+4cs to M/s.R.Anand, Advocate, SR.Nos.72698,72697,72699 and 72700

+One cc to The Special Government Pleader, SR.No.72892

NB

RL/9C/2P/KK/SAR1/24/8/2017

COMMON ORDER MADE IN