



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.03.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE A.SELVAM  
and  
THE HONOURABLE MR.JUSTICE N.AUTHINATHAN

W.P (MD) Nos.5138, 5139, 5140, 5141 & 5142 of 2017  
and  
W.M.P (MD) No.4125, 4126, 4127, 4128 & 4129 of 2017

**1.W.P (MD) No.5138 of 2017:-**

B.Arumugam .. Petitioner  
Vs.

1.The Executive Officer,  
Ammayanayakanur Town Panchayat,  
Nilakottai Taluk,  
Dindigul District.

2.The Tahsildar,  
Nilakottai Taluk,  
Dindigul District. .. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, to call for the records from the respondents and quash the notice bearing Na.Ka.No.488/2016/A1, dated 10.03.2017 issued by the first respondent.

**2.W.P (MD) No.5139 of 2017:-**

G.Kumar .. Petitioner  
Vs.

1.The Executive Officer,  
Ammayanayakanur Town Panchayat,  
Nilakottai Taluk,  
Dindigul District.

2.The Tahsildar,  
Nilakottai Taluk,  
Dindigul District. .. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, to call for the records from the respondents and quash the notice bearing Na.Ka.No.488/2016/A1, dated 10.03.2017 issued by the first respondent.

**3.W.P(MD)No.5140 of 2017:-**

V.Selvam

.. Petitioner

Vs.

1.The Executive Officer,  
Ammayanayakanur Town Panchayat,  
Nilakottai Taluk,  
Dindigul District.

2.The Tahsildar,  
Nilakottai Taluk,  
Dindigul District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, to call for the records from the respondents and quash the notice bearing Na.Ka.No.488/2016/A1, dated 10.03.2017 issued by the first respondent.

**4.W.P(MD)No.5141 of 2017:-**

K.Vellimalai

.. Petitioner

Vs.

1.The Executive Officer,  
Ammayanayakanur Town Panchayat,  
Nilakottai Taluk,  
Dindigul District.

2.The Tahsildar,  
Nilakottai Taluk,  
Dindigul District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, to call for the records from the respondents and quash the notice bearing Na.Ka.No.488/2016/A1, dated 10.03.2017 issued by the first respondent.

**5.W.P(MD)No.5142 of 2017:-**

A.Bojarajan @ Bose

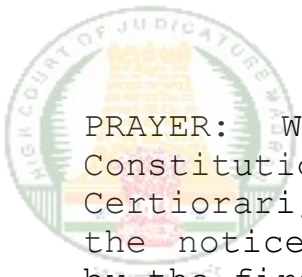
.. Petitioner

Vs.

1.The Executive Officer,  
Ammayanayakanur Town Panchayat,  
Nilakottai Taluk,  
Dindigul District.

2.The Tahsildar,  
Nilakottai Taluk,  
Dindigul District.

.. Respondents



PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, to call for the records from the respondents and quash the notice bearing Na.Ka.No.488/2016/A1, dated 10.03.2017 issued by the first respondent.

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For Petitioner : Mr.V.Chandrasekar  
(in all W.Ps')

For R - 1 : Mr.R.Karthikeyan,  
(in all W.Ps') Additional Government Pleader.

For R - 2 : Mr.T.S.Mohammed Mohideen,  
(in all W.Ps') Additional Government Pleader.

#### COMMON ORDER

[Order of the Court was made by A.SELVAM, J.]

These Writ Petitions have been filed under Article 226 of the Constitution of India praying to call for records relating to the notices, dated 10.03.2017 passed by the first respondent in Na.Ka.No.488/2016/A1 and quash the same, by way of issuing a Writ of Certiorari.

2.Mr.R.Karthikeyan, learned Additional Government Pleader, has taken notice for the first respondent and Mr.T.S.Mohammed Mohideen, learned Additional Government Pleader, has taken notice for the second respondent.

3.The learned counsel appearing for the petitioners has contended to the effect that in W.P(MD)No.4229 of 2016, this Court has specifically directed the authorities concerned to take appropriate eviction proceedings under due process of law. But the first respondent, without considering the specific direction given by this Court, has simply issued the notices in question even without specifying the law under which the same have been issued and therefore the present Writ Petitions have been filed for getting the relief sought therein.

4.It is seen from the notices, dated 10.03.2017 wherein it has been simply stated that as per the order passed by this Court in W.P(MD)No.4229 of 2016, such notices have been issued. Further it is seen from the order passed in W.P(MD)No.4229 of 2016, a specific direction has been given to the concerned Tahsildar. Since the concerned Tahsildar is not having power to take eviction proceedings in respect of the places mentioned in the notices, this Court is inclined to pass the following order.

<https://hcservices.ecourts.gov.in/hcservices>, these Writ Petitions are allowed without costs and the notices, dated 10.03.2017 issued by the first respondent are quashed. However, the first respondent is directed to issue



fresh notices to the alleged encroachers under the Tamil Nadu District Municipalities Act, 1920. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AS)

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/True Copy/

Sub Assistant Registrar

To

1.The Executive Officer,  
Ammayanayakanur Town Panchayat,  
Nilakottai Taluk,  
Dindigul District.

2.The Tahsildar,  
Nilakottai Taluk,  
Dindigul District.

+5CC to M/S.V.Chandra Sekar, Advocate, SR.No. 17659 to 17663  
+1CC to the Special Government Pleader SR.No. 18170

ORDER MADE IN  
W.P (MD) Nos.5138, 5139, 5140,  
5141 & 5142 of 2017  
24.03.2017

ps

AM/RSK/SAR-2/28.03.2017/4P/9C