



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

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W.P. (MD) Nos. 7335, 7336 and 9734 of 2017

and

W.M.P. (MD) .Nos. 5760, 5761, 7469, 9730 and 9820 of 2017

Akila ... Petitioner in W.P.(MD)No.7335/17
K.Rasappan ... Petitioner in W.P.(MD)No.7336/17

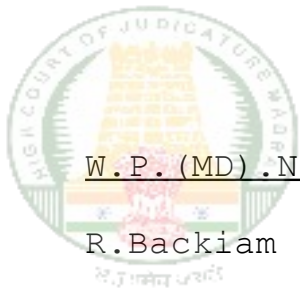
Vs.

1. The District Collector,
Dindigul District, Dindigul.
2. The Revenue Divisional Officer,
Palani Division, Palani,
Dindigul District.
3. The Tahsildar,
Vedasanthur Taluk,
Vedasanthur, Dindigul District.
4. The Block Development Officer,
Vedasanthur Panchayat Union,
Vedasanthur, Dindigul District.

5.Rames Kumar ..Respondents in W.P.(MD)Nos.7335 & 7336 of 17

PRAYER in W.P.(MD)Nos.7335 & 7336 of 2017: Petitions filed under Article 226 of the Constitution of India, to issue Writ of Certiorari, calling for the records relating to the notice dated 13.04.2017 in Na.Ka.No.848/2017/A3 on the file of the Block Development Officer, Vedasanthur Panchayat Union, Vedasanthur, Dindigul District, the fourth respondent herein and quash the same.

For petitioner	:Mr.V.Arun
For respondents 1 to 3	:Mr.M.Murugan Government Advoate
For respondent 4	:Mr.M.Govindan, Special Government Pleader
For respondent 5	:Mr.S.Ramesh in W.P. (MD) Nos.7335 & 7336 of 2017



W.P. (MD).No.9734 of 2017

R.Backiam

... Petitioner

Vs.

1. The District Collector,
Dindigul District, Dindigul.
2. The Sub Collector,
Palani, Dindigul District.
3. The Tahsildar,
Vedasanthur Taluk,
Vedasanthur, Dindigul District.
4. The Block Development Officer,
Vedasanthur Panchayat Union,
Vedasanthur, Dindigul District.

5.Rames Kumar

..Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records relating to the notice dated 15.05.2017 in Na.Ka.No.4043/2016/A6 on the file of the Sub Collector, Palani, Dindigul District, the second respondent herein and quash the same.

For petitioner : Mr.V.Arun

For respondents 1 to 3 : Mr.M.Murugan
Government Advocate

For respondent 4 : Mr.M.Rajarajan,
Government Advocate

For respondent 5 : Mr.S.Ramesh

COMMON ORDER

[Order of the Court was made by **M.M. SUNDRESH, J.**]

Since the issues involved in these writ petitions are one and same and overlapping the respondents to the same purpose, all the three writ petitions are taken up for disposal by way of a common order. All these writ petitions are being set on earlier order passed in W.P.(MD).No.24752 of 2016 dated 23.12.2016

2.The learned counsel for the petitioner submitted that
<https://hcservices.ecourts.gov.in/hcservices/> aforesaid order, orders have been passed by the
Block Development Officer, placing reliance upon the order passed



by the Tashildar, ordering removal of encroachment made by the petitioners. In the meanwhile, the petitioner in W.P.(MD).No. 9734 of 2017, filed an appeal against the order passed by the Block Development Officer, under Section 6 of the Tamil Nadu Land Encroachment Act. The said appeal was returned by stating that as per the Government order passed in G.O.Ms.No.540, Revenue [LD6(2)] Department, dated 04.12.2014, appeal cannot be taken up for hearing, as it has been filed by the encroacher.

3. It is further submitted that the impugned order in WP.(MD). No.9734 of 2017 is also liable to be set aside. The second respondent has failed to appreciate that what has been filed before him is only an appeal against the order of eviction passed by the Tahsildar under Section 6 of the Tamil Nadu Land Encroachment Act. Therefore he ought to have taken the appeal on file and decide it on merits.

4. In such view of the matter the impugned order dated 15.05.2017 passed by the Sub Collector, Palani, challenged in W.P. (MD).No.9734 of 2017 stands set aside and subsequently the second respondent is directed to dispose of the appeals, on merits and in accordance with law, after affording opportunity of hearing to the petitioner and to the petitioner in W.P.(MD).Nos.7335 and 7336 of 2017. Such compliance shall be made within a period of eight weeks from the date of receipt of a copy of this order.

5. With the above direction, W.P.(MD).No.9734 of 2017, stands disposed of. In view of the order passed in W.P.(MD).No.9734 of 2017, the W.P.(MD).Nos.7335 and 7336 of 2017 stand disposed of. No Cost. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

+1cc to Mr.M.Rajarajan, Advocate Sr.No.77357
 +3cc to Mr.A.V.Arun, Advocate Sr.No.77156, 77157, 77158
 +1cc to Mr.T.Antony Arul Raj, Advocate Sr.No.77185
 +1cc to Mr.V.Raghavachari, Advocate SR.No.77032
 +1cc to The Spl.Government Pleader Sr.No.77661

DSK

VB/SV/MMS/SAR1/15/09/2017/3P/8C

**W. P. (MD) Nos. 7335, 7336
 and 9734 of 2017
 06.09.2017**