



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.01.2017

CORAM:

THE HONOURABLE MR.JUSTICE **A.SELVAM**
and
THE HONOURABLE MR.JUSTICE **P.KALAIYARASAN**

W.P (MD) No.24214 of 2016
and
W.M.P (MD) No.17502 of 2016

1.Rajagopal
2.Anbarasu

.. Petitioners

Vs.

1.The District Collector,
Collectorate Campus,
Dindigul.

2.The Block Development Officer,
Kujiliyamparai, Dindigul District.

3.The Panchayat Secretary,
Chinnaluppai Village,
Vedasandur Taluk,
Dindigul District.

.. Respondents

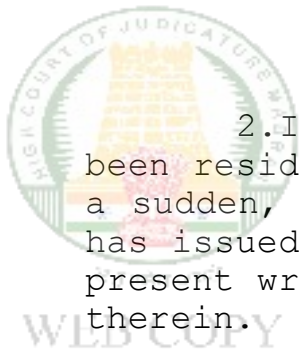
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari calling for the records pertaining to the Impugned Order in Memorandum, dated 29.11.2016 issued by the third respondent and quash the same as illegal.

For Petitioners	: Mr.J.Lawrance
For Respondent No.1	: Mr.D.Muruganandam, Additional Government Pleader.
For Respondents 2 and 3	: Mr.G.Muthukannan, Government Advocate.

ORDER

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

This writ petition has been filed under Article 226 of the Constitution of India praying to call for records relating to the notice dated 29.11.2016 alleged to have been issued by the third respondent and quash the same, by way of issuing a writ of



2.It is averred in the petition that the petitioners have been residing in Survey No.172/1 from time immemorial. But all of a sudden, the third respondent even without having any authority, has issued the impugned notice. Under the said circumstances, the present writ petition has been filed for getting the relief sought therein.

3.The learned counsel appearing for the petitioners has reiterated his argument only on the basis of averments made in the writ petition.

4.The learned Additional Government Pleader appearing for the first respondent has represented that Survey No.172/1 has been classified as sarkar poromboke theru and therefore the panchayat is having power to remove encroachments, but at the same time, the third respondent is not having power to issue the impugned notice.

5.Considering the fact that the third respondent is not having power to issue the impugned notice, the same is liable to be quashed. Considering the present situation, the second respondent viz., Block Development Officer, Kujiliyamparai, Dindigul District is empowered to take appropriate action.

6.In fine, this writ petition is allowed without costs and the impugned notice dated 29.11.2016 issued by the third respondent is quashed. However the second respondent is at liberty to take appropriate action against the petitioners as per law. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-I)

/True copy/

Sub Assistant Registrar

To

1.The District Collector, Collectorate Campus, Dindigul.

2.The Block Development Officer,Kujiliyamparai, Dindigul District.

3.The Panchayat Secretary,

Chinnaluppai Village, Vedasandur Taluk, Dindigul District.

+1 cc to M/s.J.Lawrance, Advocate in SR.No.2211

+1 cc to The Special Government Pleader in SR.No.2280

SMN

CSL/PM-AMI/25.01.2017 :2P/6C

ORDER MADE IN

W.P(MD)No.24214 of 2016

and W.M.P(MD)No.17502 of 2016

10.01.2017