

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 06.07.2017

CORAM:

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

W.P. (MD) No.11322 of 2013
and
M.P. (MD) Nos.1 and 2 of 2013

K.Pandithurai

... Petitioner

Vs.

1. The Block Development Officer,
O/o. The Block Development Officer,
Singampunari,
Sivagangai District.

2. The President of Panchayat,
Vadavanpatti Village Panchayat,
Singampunari Panchayat Union,
Sivagangai District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records pertaining to the impugned order in Na.Ka.B1/901/12 on the file of the respondent No.1, dated 25.06.2013 and quash the same as illegal.

For petitioner : Mr.S.Rajasekar.
For Respondents : Mr.M.Govindan,
Special Government Pleader.

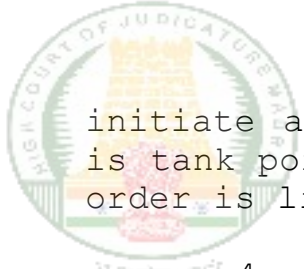
O R D E R

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

The order passed by the first respondent directing removal of encroachment is challenged in this writ petition.

2. We have heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

3. The order passed by the first respondent indicates that it is a tank poramboke. The first respondent has no authority to



initiate action for removal of encroachment in case the property is tank poramboke. We are therefore of the view that the impugned order is liable to be set aside.

4. In the result, the order dated 25.06.2013 on the file of the first respondent is set aside. It is open to the concerned statutory authority to initiate appropriate action in case there is a cause of action for taking action against the petitioner.

5. The writ petition is allowed as indicated above. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Block Development Officer,
O/o. The Block Development Officer,
Singampunari,
Sivagangai District.
2. The President of Panchayat,
Vadavanpatti Village Panchayat,
Singampunari Panchayat Union,
Sivagangai District.

+1cc to M/S. T.LAJAPATHI ROY, Advocate, SR.No.64205.

W.P. (MD) No.11322 of 2013
06.07.2017

akv

SDS/MR:KKR/SAR 1/19.07.2017/3P/4C