

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P.No. 26628 of 2012

and

M.P.No. 1 of 2012 & 1 and 2 of 2013

G.N.Ramesh

... Petitioner

Vs

1.The Collector
Krishnagiri District
Krishnagiri.

2.The Block Development Officer
Hosur Taluk,
Krishnagiri district.

3.The Panchayat President
Echangur Panchayat,
Hosur Taluk,
Krishnagiri District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Certiorarified mandamus to call for the records relating to the order in Na.Ka. No.1116/2011/E2 dated 10.09.2012 issued by the second respondent and quash the same as illegal, arbitrary and unconstitutional, being violative of Articles 14, 21 and 300 A of the Constitution of India and also contrary to the provisions of the Tamil Nadu panchayats Act, 1994 and also contrary to the provisions of law and also in violation of principles of Natural justice; and direct the 2nd respondent to refrain from taking such steps in future.

For Petitioner :P.Subba Reddy

For Respondents:Mr.A.N.Thambidurai for R1
Special Government Pleader

: Mr.B.Anand for R2

: Mr.P.T.Perumal for R3

O R D E R

Challenging the order passed by the second respondent permitting the third respondent to collect the house taxes and other taxes in respect of Survey Nos.52 to 168 in Kooliganapalli

Village, the present writ petition has been filed.

2. The petitioner is the President of Sevanganapalli Panchayat, Hosur Taluk, Krishnagiri. According to the petitioner, an area comprised in Survey 52 to 168 in Kooliganapalli Village comes within the Jurisdiction of petitioner's Panchayat and they are collecting all the taxes and also providing amenities to the people residing therein. Now, the second respondent/ the Block Development Officer, Hosur Taluk, has passed the impugned order permitting the third respondent/ Echangur Panchayat to collect taxes in respect of above mentioned in Survey numbers, for which, the second respondent has no power. In the said circumstances, the present writ petition has been filed.

3. Now the first respondent/District Collector, filed a counter affidavit stating that the impugned order passed by the second respondent/Block Development Officer has been stayed by the Assistant Director of Panchayat, Krishnagiri in and by his proceedings dated 13.02.2013 in Roc.No.3285/2012/A3. The second respondent also filed a counter stating that the impugned order has been stayed.

4. The learned counsel appearing for the petitioner submitted that pursuant to the interim order passed by the Assistant Director, now the petitioner is collecting the taxes from the above said places.

5. Since there is a dispute between the two village panchayats, namely, the petitioner and the third respondent, regarding the territorial jurisdiction of the above said village, the District Collector is empowered to decide the issue of jurisdiction under Section 4(2) of the Tamil Nadu Panchayat Act. Hence, the first respondent/District Collector is directed to conduct enquiry, after giving opportunity to the petitioner as well as the third respondent, and pass suitable orders fixing the boundaries of the respective villages. The above exercise should be completed within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

mrp/rst

To

1.The Collector
Krishnagiri District
Krishnagiri.

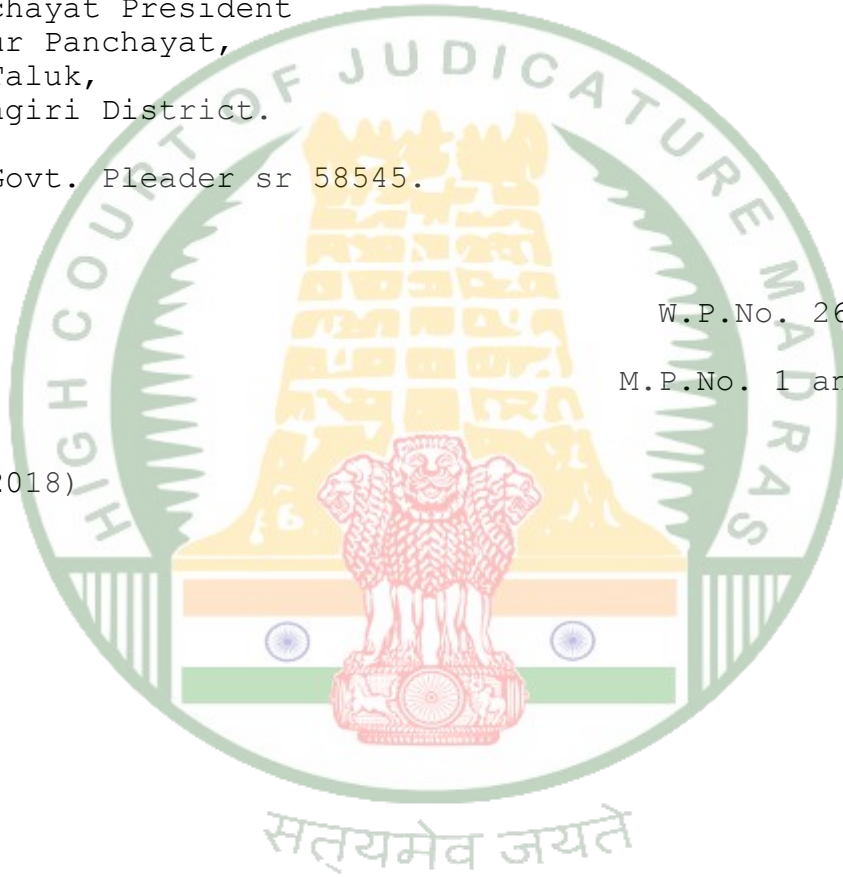
2.The Block Development Officer
Hosur Taluk,
Krishnagiri district.

3.The Panchayat President
Echangur Panchayat,
Hosur Taluk,
Krishnagiri District.

+1 CC to Govt. Pleader sr 58545.

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SP(10/09/2018)



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