



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

WP.(MD) No.3565 of 2018

G.Palani

... Petitioner

-vs-

1.The Tahsildar,
Thiruvankadam Taluk,
Tirunelveli District.

2.The Block Development Officer,
Village Panchayats,
Panchayat Union Office,
Kuruvikulam,
Thiruvankadam Taluk,
Tirunelveli District.

3.K.Anandaraj
4.S.Veluchamy
5.Pandiayaraj
6.S.Lakshmi Ayya
7.S.Saravanan
8.L.Rathinasamy

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents 1 and 2 to implement the order of 1st respondent in Na.Ka.No.A3/4692/2017 dated 30.08.2017 and remove the encroachment put up by the respondents 3 to 8 in S.No.512, North Car Street, Kuruvikulam, Thiruvankadam Taluk, Tirunelveli District within the time fixed by this Court.

For Petitioner	: Mr.H.Arumugam
For Respondents	: Mr.D.Muruganantham, AGP for R1 Mr.Anand for R2

O R D E R

(Order of the Court was made by T.S.SIVAGNANAM, J.)

Heard H.Arumugam, learned counsel for the petitioner and Mr.D.Muruganandam, learned Additional Government Pleader appearing for the first respondent and Mr.Anand, learned counsel appearing for the second respondent.



2. In the light of the direction we proposed to issue in this writ petition, notice to the respondents 3 to 8 is dispensed with.

3. The petitioner has filed this writ petition seeking for a direction to the respondents 1 and 2 to implement the order passed by the first respondent dated 30.08.2017. The said proceedings is a communication sent by the first respondent to the second respondent pointing out that six persons are encroached into a land classified as Sarkar Poramboke and therefore action was directed to be initiated.

4. It is not known as to why the second respondent has not taken any further action in the matter. When there was any clarification required to be made, then, the second respondent could have very well address the first respondent and sought for the same.

5. Considering the proceedings of the first respondent dated 30.08.2017, We direct the second respondent to proceed to implement the same after issuing notice to the respondents 3 to 8. It is made clear that we have not issued any positive direction for eviction, but the second respondent should follow the proper procedures contemplated under the Tamil Nadu Panchayats Act by issuing notice to the respondents 3 to 8, give them reasonable opportunity to file their objections, afford opportunity of personal hearing and pass a reasoned order. The second respondent is directed to maintain statusquo in the matter and not to initiate any steps to forcibly evict the respondents 3 to 8. The directions issued by this Court shall be completed by the second respondent within a period of three weeks from the date of receipt of a copy of this order.

6. With the above observations, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (Crl. Side)

/True Copy/

Sub-Assistant Registrar

To

1. The Tahsildar, Thiruvankadam Taluk,
Tirunelveli District.

2. The Block Development Officer,
Village Panchayats, Panchayat Union Office,
Kuruvikulam, Thiruvankadam Taluk,
Tirunelveli District.

+One cc to Mr. H. Arumugam, Advocate, SR.No.50801

+One cc to The Special Government Pleader, SR.No.50591

Arul

RL/5C/2P/SKN/RSK/SAR2/7/3/2018

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