



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.08.2018

CORAM :

**THE HONOURABLE MR.JUSTICE T.RAJA
AND
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY**

W.P (MD) No.18424 of 2018
and
W.M.P (MD) No.16301 of 2018

K.Sasikumar

... Petitioner

vs.

1. The Executive Officer,
Thenkarai Town Panchayat,
Theni District.

2. The Revenue Inspector
Thenkarai Firka
Periyakulam
Theni District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorari to call for the records pertaining to impugned eviction notice issued by the 1st respondent dated 09.05.2018 and quash the same as illegal.

For Petitioner	: Ms.J.R.Annie Abinaya for Ms.J.Anandhavalli
For Respondents	: Mr.V.R.Shanmuganathan Special Government Pleader

O R D E R

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

This Writ Petition is directed against the impugned proceedings dated 09.05.2018 issued by the first respondent Executive Officer, Thenkarai Town Panchayat, Theni District informing the petitioner to remove the encroachment made by the petitioner in the form of residential house in Oorani/Water body to an extent of 2 cents.

2. However, the learned Special Government Pleader would fairly submit that the impugned order issued by the first



respondent is without any jurisdiction and notice has to be issued under Section 131(2) of the Tamil Nadu Panchayats Act, 1994. Therefore, he has requested this Court to give liberty to withdraw the impugned order and re-issue the same under Section 131(2) of the said Act.

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3. Recording the said submission, this Writ Petition is disposed of and the first respondent is given liberty to issue fresh notice, if he is so advised, in the manner known to law. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar (CS-I)

To

1. The Executive Officer,
Thenkarai Town Panchayat,
Theni District.
2. The Revenue Inspector
Thenkarai Firka
Periyakulam
Theni District.

+ 1 CC TO M/s.J.ANANDHAVALLI, ADVOCATE IN SR No. 80183
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 80626

RR

TE/SKN/SAR-1 : 07/09/2018 : 2P/5C

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