

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 29.05.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR
AND
THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.Nos.15093, 15094 and 15096 of 2019
and
W.M.P.Nos.15072,15073 and 15074 of 2019

Govindan ... Petitioner in W.P.No.15093 of 2019
Venkatachalam ...Petitioner in W.P.No.15094 of 2019
Shanmugam ... Petitioner in W.P.No.15096 of 2019

Vs

1. The District Collector
Thiruvannamalai District, Thiruvannamalai.
2. The District Revenue Officer,
Thiruvannamalai District, Thiruvannamalai.
3. The Revenue Divisional Officer,
Thiruvannamalai District,Thiruvannamalai.
4. The Tahsildar,
Chengam Taluk,
Chengam,Thiruvannamalai District.
4. The Block Development Officer (Village Panchayat)
Chengam, Thiruvannamalai District.
6. The Additional Director,
Chengam Panchayat,
Chengam,
Thiruvannamalai District ... Respondents in all W.Ps

Prayer in all W.Ps.

Writ Petitions are filed under Article 226 of the Constitution of India praying for issuance of Writs of Certiorari to call for the records in Na.Ka.U.A4/2535/18 dated 13.05.2019 on the file of the fifth respondent and quash the same.

For Petitioners : Mr. R.Rajarajan
For Respondents : Mr.M.Elumalai
Government Advocate.

COMMON ORDER

(Order of the Court was made by N.SATHISH KUMAR.J,)

The challenge in all these Writ Petitions is to the notice issued by the fifth respondent/Block Development Officer. According to the petitioners, the Block Development Officer has no powers to issue the impugned notice and it is only the Revenue Divisional Officer, who has powers to issue the notice under the Tamil Nadu Land Encroachment Act or under the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, even assuming that there is an encroachment. Hence, it is the contention of the learned counsel for the petitioner that the notice issued by the fifth respondent/Block Development Officer is not in accordance with law.

2. The learned Government Advocate appearing for the respondents takes notice and seeks time to file a reply.

3. This Court is of the view that if there is any defect in issuance of the impugned notice, the respondents are directed to take necessary steps to initiate action under the Tamil Nadu Land Encroachment Act or under the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act. If there is any encroachment, the concerned authorities shall verify as to whether the encroachment falls within any of the above said two Acts and take necessary action. Till such time, no coercive steps be taken.

4. With the above observation and direction, these Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

cs/srn
To

1. The District Collector
Thiruvannamalai District
Thiruvannamalai.

2. The District Revenue Officer,
Thiruvannamalai District,
Thiruvannamalai.
3. The Revenue Divisional Officer,
Thiruvannamalai District,
Thiruvannamalai.
4. The Tahsildar,
Chengam Taluk,
Chengam,
Thiruvannamalai District.
4. The Block Development Officer (Village Panchayat)
Chengam, Thiruvannamalai District.
6. The Additional Director,
Chengam Panchayat,
Chengam,
Thiruvannamalai District

+1cc to Mr. R.Rajarajan , Advocate SR.No. 44375

W.P.Nos.15093, 15094 and 15096 of 2019
and
W.M.P.Nos.15072,15073 and 15074 of 2019

spd (CO)
A.SK(26/06/2019)

सत्यमेव जयते

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