

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Special Original Jurisdiction )

Tuesday, the Thirtieth day of April Two Thousand Nineteen

PRESENT

**The Hon`ble Mr Justice K.KALYANASUNDARAM**  
and  
**The Hon`ble Mrs.Justice R.THARANI**

**WP (MD) No.11160 of 2019**

and

**WMP (MD) No.8529 of 2019**

A.J.SHANTHAPRABU

... PETITIONER

Vs

1 THE BLOCK DEVELOPMENT OFFICER,  
VILLAGE PANCHAYAT, KURUVIKULAM,  
TIRUNELVELI DISTRICT.

2 THE TAHSILDAR,  
THIRUVENGADAM,  
TIRUNELVELI DISTRICT.

3 THE VILLAGE ADMINISTRATIVE OFFICER,  
KALIGAPATTI VILLAGE,  
THIRUVENGADAM TALUK,  
TIRUNELVELI DISTRICT.

... RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to issue a Writ of Certiorarified Mandamus calling for the records pursuant to the impugned eviction order of the 1st respondent herein in Na.Ka.No.A4/260/2018 dated 29.03.2019 and quash the same and consequently direct the respondents herein to handover the possession of the petitioner s house in D. No. 2/207 constructed in S. No. 1691/6 and 2523/10 of Kallingapatti Village, Thiruvengadam Taluk, Tirunelveli District.

**Prayer in WMP (MD) .8529/2019 :**

To grant and order of stay staying all further proceedings pursuant to the impugned order of the 1st respondent herein in Na.Ka.No.A4/260/2018 dated 29.03.2019 till the disposal of Writ Petition.

**ORDER :** This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.PORKODIKARNAN for M/S.POLAX LEGALSOLUTIONS,

Advocate for the petitioner and of MR.AAYIRAM K.SELVAKUMAR, additional Government Pleader for R1 and MR.M.PANDIARAJAN, Advocate for R2 & R3, the court made the following order:-

(Order of the Court was made by **K.KALYANASUNDARAM, J**)

Heard Mrs.Porkodi Karnan, learned counsel appearing for the Petitioner, Mr.Aayiram K.Selvakumar, learned Additional Government Pleader appearing for the first respondent and Mr.M.Pandiarajan, learned Additional Government Pleader appearing for the respondents 2 and 3 and perused the materials placed before this Court.

2.This Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus to quash the eviction order passed by the first respondent, dated 29.3.2019 and consequently to direct the respondents to hand-over the possession of the Petitioner's house in D.No.2/207, constructed in S.Nos.1691/6 and 2523/10 of Kallingapatti Village, Thiruvengadam Taluk, Tirunelveli District.

3.The learned counsel for the Petitioner would contend that the first respondent has no power or authority to pass an order of eviction under the provisions of the Tamil Nadu Panchayat Act. It is also submitted that the land in dispute is classified as ''Natham'' in revenue records.

4.Mr.Ayiram K.Selvakumar, learned Additional Government Pleader appearing for the first respondent, seeks time to file counter.

5.Post the matter on 10.06.2019, for filing counter.

6.In the meanwhile, there shall be an order of interim stay till then.

sd/-

30/04/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

TO

1 THE BLOCK DEVELOPMENT OFFICER,  
VILLAGE PANCHAYAT, KURUVIKULAM,  
TIRUNELVELI DISTRICT.

2 THE TAHSILDAR,  
THIRUVENGADAM,  
TIRUNELVELI DISTRICT.

3 THE VILLAGE ADMINISTRATIVE OFFICER,  
KALIGAPATTI VILLAGE,  
THIRUVENGADAM TALUK,  
TIRUNELVELI DISTRICT.

+1. C.C. to M/S.POLAX LEGALSOLUTIONS Advocate SR.No.7832

ORDER

IN

WP(MD) No.11160 of 2019 and

WMP(MD) No.8529 of 2019

Date :30/04/2019

vsn

PK/JC/SAR-3/23.05.2019 : 3P/5C



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