



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.02.2019

CORAM

THE HONOURABLE MR. JUSTICE K. KALYANASUNDARAM

and

THE HONOURABLE MRS. JUSTICE R. THARANI

W.P. (MD) .No.3134 of 2019

and

W.M.P. (MD) .Nos.2452 and 2453 of 2019

N. Durai

... Petitioner

Vs.

The Block Development Officer,
Thiruvarankulam Panchayat Union,
Thiruvarankulam, Alangudi Taluk,
Pudukottai District.

... Respondent

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the records pertaining to the impugned notice issued by the respondent in his proceedings in Na.Ka.The3/1154/2010, dated 29.01.2019, quash the same as illegal and arbitrary.

For Petitioner : Mr.K.Baalasundharam
For Respondent : Mr.Aayiram K.Selvakumar
Additional Government Pleader

O R D E R

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

Challenging the order of the respondent, dated Nil, whereby the petitioner was directed to remove the encroachment, this writ petition has been filed.

2. It seems in a writ petition filed by one Natarajan, this Court in W.P.(MD).No.11912 of 2012, issued direction to the President of Kothamangalam Village Panchayat in Alangudi Taluk, Pudukottai District, to issue notice to the legal heirs of the petitioner in that writ petition and remove the encroachment giving effect to the directions issued by the Civil Court.

3. Mr.K.Baalasundharam, learned counsel for the petitioner would state that as per the earlier order of this Court in W.P.(MD). No.11912 of 2012, no notice to the legal heirs was issued and it is further contended that the respondent is not the competent authority to remove encroachers in Survey Nos.122 and 123/1 of Kothamangalam Village and the competent authority is the Thasildar.



4. Mr.Aayiram K.Selvakumar, learned Additional Government Pleader would state that since a direction was issued to the President of the Panchayat, the respondent has issued a notice. The petitioner, who is one of the legal heirs of the said Natarajan is not issued with notice and the respondent is ready to issue a fresh notice and pass appropriate orders.

5. In the instant case, it is not in dispute that the legal heirs of the said Natarajan was not issued with notice, as per the directions of this Court in the earlier writ petition. Hence, the order impugned in this writ petition is set aside. The competent authority under the Act shall issue notice to the encroachers in Survey Nos.122 and 123/1 of Kothamangalam Village and remove the encroachment, by following the procedure established by law.

6. Accordingly, the writ petition is allowed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AD-I)

/ True Copy /

Sub Assistant Registrar(CS)

To

The Block Development Officer,
Thiruvarankulam Panchayat Union,
Thiruvarankulam, Alangudi Taluk,
Pudukottai District.

+1 CC to M/s.SPL GP (SR-49757[F] dated 26/02/2019)

+1CC to M/s.K.BAALASUNDHARAM, Advocate(SR-50259[F]dated 27/02/2019)

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