



WEB COPY

W.P (MD) No.14761 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

and

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P (MD) No.14761 of 2020

and

W.M.P (MD) No.12422 of 2020

R.Vimala

... Petitioner

Vs.

The Block Development Officer (Village Panchayat)
Panchayat Union Office,
Arimalam,
Avudaiyarkovil Taluk,
Pudukkottai District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the impugned Notice issued by the respondent herein dated 07.09.2020 and 08.10.2020 and quash the same.

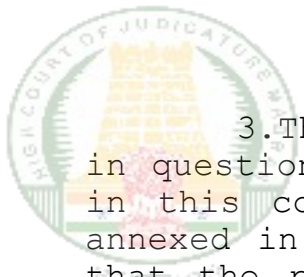
For Petitioner	: Mr.K.Hemakarthiskeyan
For Respondent	: Mr.M.Muthugeethaiyan, Special Government Pleader

ORDER

[Order of the Court was made by **N.KIRUBAKARAN, J.**]

The petitioner and her predecessors have been in occupation of the land in S.No.70/1 at Embal Village in Avudaiyarkoil Taluk, Pudukkottai District by putting up a hut. They have also been growing trees for the past 40 years in the said land and paying property tax for the construction made therein. The said land is classified as Oorani Poramboke and the petitioner has made a representation to the Revenue Department to issue patta by taking into consideration their long possession of the above said property. However, the respondent originally issued a notice under Section 7 of the Tamil Nadu Land Encroachment Act and thereafter, issued another notice under Section 131(2) of the Tamil Nadu Panchayats Act, 1994. Challenging the aforesaid notices, the petitioner has filed the present writ petition.

2.Heard Mr.K.Hemakarthiskeyan, learned Counsel appearing for the petitioner and Mr.M.Muthugeethaiyan, learned Special Government Pleader appearing for the respondent.



3.The only contention of the petitioner is that the property in question has been in their possession for the past 40 years and in this connection, B-Memo has also been issued, which is also annexed in the typed set of papers. It is evident from the B-Memo that the petitioner has been in occupation of the said property. However, the said property has been classified as Oorani Pramboke and therefore, notice has been issued under Section 131(2) of the Tamil Nadu Panchayats Act, 1994.

4.Under such circumstances, this Court issues the following directions:

(i) The petitioner shall give her explanation to the impugned notices within a period of three weeks from the date of receipt of a copy of this order.

(ii) On receipt of such an explanation from the petitioner, the respondent shall pass appropriate orders within a period of six weeks therefrom, by conducting an enquiry after providing an opportunity of hearing to the petitioner.

(iii) Till such an order is passed and served upon the petitioner by the respondent, there shall not be any coercive action, and

(iv) In the meantime, the petitioner shall not create any third party rights by putting anyone in possession of the property in question.

5.This writ petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

dsk

To

The Block Development Officer (Village Panchayat)
Panchayat Union Office,
Arimalam,
Avudaiyarkovil Taluk,
Pudukottai District.

+1 CC to SPL GP (SR-20808[F] dated 02/11/2020)

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28.10.2020

VB (27.11.2020) 2P 3C