



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.12.2020

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

AND

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P. (MD)No.18069 of 2020

and

W.M.P. (MD)No.15058 of 2020

WEB COPY

Dhanalakshmi

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Trichy.

2.The Tahsildar,
Thiruverumbur Taluk,
Trichy District.

3.The Block Development Office,
Office of the Block Development Office,
Panchayat Union Office,
Thiruverumbur, Trichy District.

4.The President,
Kiliyur Village Panchayat,
Kiliyur,
Thiruverumbur,
Trichy District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records pertaining to the impugned notice issued by the fourth respondent dated Nil, under Section 6 of the Tamil Nadu Land Encroachment Act, 1906 and quash the same as illegal and unconstitutional.

For Petitioner	:	Mr.B.Jameel Arasu
For Respondents	:	Mr.K.MU.Muthu
		Additional Government Pleader for R.1 and R.2
	:	Mr.A.Muthukaruppan
		Additional Government Pleader for R.3 and R.4

ORDER

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

The petitioner has challenged the impugned notice issued under Section 6 of the Land Encroachment Act, by the fourth respondent, stating that the petitioner has encroached upon the



pathway and constructed a house and wash room.

2. Heard Mr.B.Jameel Arasu, learned Counsel appearing for the petitioner, Mr.K.MU.Muthu, learned Additional Government Pleader appearing for the respondents 1 and 2 and Mr.A.Muthukaruppan, learned Additional Government Pleader appearing for the respondents 3 and 4 and perused the materials placed on record.

3. The fourth respondent has got no jurisdiction to invoke the Land Encroachment Act and therefore, the impugned order is liable to be set aside and accordingly, the same is set aside. However, it is made clear that the fourth respondent is entitled to invoke the Panchayat Act and follow due process of law, if the petitioner has encroached upon the public property or pathway and proceed with the matter.

4. With the above observations, this Writ Petition is allowed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

SSL

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The District Collector,
Office of the District Collector,
Trichy.

2.The Tahsildar,
Thiruverumbur Taluk,
Trichy District.

3.The Block Development Office,
Office of the Block Development Office,
Panchayat Union Office,
Thiruverumbur,
Trichy District.



4.The President,
Kiliyur Village Panchayat,
Kiliyur,
Thiruverumbur,
Trichy District.

WEB COPY

+1 CC to M/s.SPL GP (SR-25412[F] dated 14/12/2020)

W.P. (MD) No.18069 of 2020
10.12.2020

SSS (CO)
KB (22.12.2020) 3P 6C