



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2021

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

AND

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P(MD)Nos.14555 to 14558 of 2021

and W.M.P.(MD) Nos.11494, 11495, 11497 and 11501 of 2021

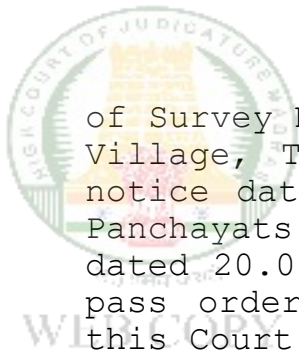
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T.Austin ... Petitioner in W.P.(MD) No.14555/2021
S.Lawrence ... Petitioner in W.P.(MD) No.14556/2021
M.Arputham ... Petitioner in W.P.(MD) No.14557/2021
S.Thamson ... Petitioner in W.P.(MD) No.14558/2021

Vs.

- 1.The District Collector,
Collectorate,
Kanyakumari District at Nagercoil.
- 2.The District Revenue Officer,
District Revenue Office,
Kanyakumari District.
- 3.The Revenue Divisional Officer,
District Divisional Office,
Nagercoil,
Kanyakumari District.
- 4.The Tahsildar,
Tahsildar Office,
Thovalai Taluk,
Kanyakumari District.
- 5.The Block Development Officer/Special Officer,
Arumanallur Panchayat,
Thovalai Panchayat Union,
Kanyakumari District.
- 6.The Village Administrative Officer,
Arumanallur Village,
Thovalai Taluk,
Kanyakumari District. ... Respondents

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the Respondents herein from any manner not to take any coercive steps evicting the petitioner from the premises comprised



of Survey No.96, (Door Nos.1-4, 1-4A, 1-3, 1-1 respectively), Gnam Village, Thoivalai Taluk, Kanyakumari District in pursuance to the notice dated 03.02.2021, issued under Section 131(2) of Tamil Nadu Panchayats Act, 1994 by considering the petitioners' objection, dated 20.07.2021, after affording opportunity of being heard and to pass orders in accordance with law within the time stipulated by this Court.

For Petitioners in all : Mr.V.Meenakshisundaram
the Writ Petitions Senior Counsel
for M/s.R.Murugan

For Respondents in all : Mr.P.Subbaraj
the Writ Petitions Special Government Pleader

COMMON ORDER

(Order of the Court was made by PUSHPA SATHYANARAYANA,J.)

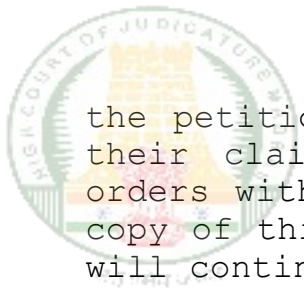
These Writ Petitions have been filed by the petitioners, seeking for a direction upon the Respondents herein from any manner not to take any coercive steps evicting the petitioner from the premises comprised of Survey No.96, (Door Nos.1-4, 1-4A, 1-3, 1-1), Gnam Village, Thoivalai Taluk, Kanyakumari District in pursuance to the notice dated 03.02.2021, issued under Section 131(2) of Tamil Nadu Panchayats Act, 1994 by considering the petitioners' objection, dated 20.07.2021, after affording opportunity of being heard and to pass orders in accordance with law within the time stipulated by this Court.

2.Notice has been issued under Section Section 131(2) of Tamil Nadu Panchayats Act, 1994, calling upon the petitioners to remove the encroachments. The petitioners have also seem to have given their objections to the same on 20.07.2021.

3.It is contended by the learned counsel for petitioners that the notices mentioned only one survey number and not even a single encroachment has been removed in other survey numbers. He has also raised objection regarding jurisdiction.

4.Mr.P.Subbaraj, learned Special Government Pleader, who accepts notice on behalf of the respondents, submitted that objections have been received from the petitioners and in the meantime, order of status quo has been issued and hence, the respondents have not considered their objections.

5.In the light of the above, we direct the respondents, in particular, the 5th respondent/the Block Development Officer/Special Officer, Arumanallur Panchayat, to consider the objections of the petitioners, after affording an opportunity of personal hearing to



the petitioners and permit them to produce documents in support of their claim, consider the same and thereafter, pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. Till then, the status quo order already granted will continue.

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6. These Writ Petitions stand disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

sj

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,
Collectorate,
Kanyakumari District at Nagercoil.
2. The District Revenue Officer,
District Revenue Office,
Kanyakumari District.
3. The Revenue Divisional Officer,
District Divisional Office,
Nagercoil, Kanyakumari District.
4. The Tahsildar,
Tahsildar Office,
Thovalai Taluk,
Kanyakumari District.
5. The Block Development Officer/Special Officer,
Arumanallur Panchayat,
Thovalai Panchayat Union,
Kanyakumari District.



6.The Village Administrative Officer,
Arumanallur Village,
Thovalai Taluk,
Kanyakumari District.

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+4 CC to M/s.R. MURUGAN, Advocate (SR-35127[F] dated 19/11/2021)

+1 CC to M/s.SPL GP (SR-35360[F] dated 22/11/2021)

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19.11.2021

KMV (CO)

GC (08.12.2021) 4P 12C