



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.11.2021

CORAM :

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

and

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P (MD)No.17031 of 2021

and

WMP (MD)Nos.13963 and 13964 of 2021

K.Kovakkal

... Petitioner

vs.

1) The District Collector,
Madurai District,
Madurai.

2) The Thasildar,
Thiruparankundram Taluk,
Madurai District.

3) The Block Development Officer,
Thiruparankundram Panchayat Union,
Thiruparankundram,
Madurai District.

4) The Village Panchayat President,
Periya Alankulam Village Panchayat,
Thiruparankundram Taluk,
Madurai District.

... Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, call for the records in Na.Ka.No.1715/2020/Thee 2, dated 27.08.2021 on the file of 3rd respondent herein and quash the same and consequently forbearing the respondent to remove the Concrete house in S.No.101/11 in Thottiyappati Village, Periya Alangulam Village Panchayat, Madurai District.

For Petitioner : Mr.J.Gunaseelan Muthiah

For Respondents : Mr.B.Saravanan

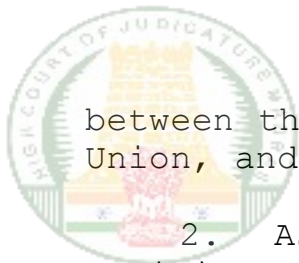
Additional Government Pleader

ORDER

(Order of the Court was made by

PUSHPA SATHYANARAYANA, J.)

The writ petitioner has challenged the proceedings in Na.Ka.No.1715/2020/T2, dated 27.08.2021, which is a correspondence



between the Block Development Officer, Thiruparankundram Panchayat Union, and the Tahsildar, Thiruparankundram Taluk.

2. As per the said proceedings, it is stated that the writ petitioner and another person, one Malaichamy, have encroached upon 0.00.14 and 0.00.16 square meters respectively, in Survey No.101/11, Thottiyapatti Village, Periya Alangulam Panchayat and that the encroachment has to be removed on 09.09.2021.

3. According to the petitioner, the land in her possession is a grama natham and she has put up a house and has been living there for several decades. Her only grievance is that no notice was given to her as per Section 7 of The Tamil Nadu Land Encroachment Act, 1905, and no opportunity of enquiry was also granted.

4. It is a very settled principle that even a trespasser can be evicted, only by due process of law. The challenge now made in the writ petition is only the inter-departmental communication and how the petitioner got copy of the same, is also not known and the date fixed in the said impugned notice is also over.

5. Therefore, the authorities are directed to evict the petitioner, in the event, she is found to be an encroacher, only by due process of law, after giving her opportunity of notice and hearing. It is made clear that the authorities shall evict the petitioner only by adopting due process of law.

6. With the above direction, the Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

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To

1) The District Collector,
Madurai District, Madurai.

2) The Thasildar,
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3) The Block Development Officer,
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Thiruparankundram,
Madurai District.

4) The Village Panchayat President,
Periya Alankulam Village Panchayat,
Thiruparankundram Taluk,
Madurai District.

+1 CC to M/s.J. GUNASEELANMUTHIAH, Advocate (SR-35006[F] dated 18/11/2021)

+1 CC to M/s.SPL GP (SR-34936[F] dated 18/11/2021)

W.P(MD)No.17031 of 2021

DATED : 17.11.2021

DKS (CO)

SB(06.12.2021) 3P 7C