



W.P. No.32202 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2022

CORAM

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P. No.32202 of 2022

Raju ... Petitioner

versus

1.The District Collector,
Namakkal District.

2.The Revenue Divisional Officer,
Namakkal District.

3.The Tahsildar,
Rasipuram Taluk,
Namakkal District.

4.The Executive Officer,
Village President Office,
Koonavelampatti Panchayat,
Rasipuram Taluk, Namakkal District

5.The Block Development Officer,
Village Panchayat,
Rasipuram Taluk, Namakkal District

6.The Inspector of Police,
Puduchattiram Police Station,
Namakkal District

... Respondents

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Prayer: Writ Petition under Article 226 of the Constitution of India praying for a Writ of Certiorari to call for the records relating to the impugned notice under Section 131(2) and 222 of Tamil Nadu Panchayat Act, 1994 in Na.Ka.No.02/2022 dated 12.10.2022 issued by the 4th respondent and quash the same.

For the Petitioner :: Mr.S.Ramachandran

For the Respondents :: Mr.P.Muthukumar,
State Government Pleader

ORDER

(Made by the Hon'ble Acting Chief Justice)

This writ petition has been filed challenging the impugned notice issued by the fourth respondent under Section 131(2) and 222 of the Tamil Nadu Panchayat Act, 1994.

2. Learned counsel for the petitioner submitted that the petitioner is not an encroacher, and not only his lands but also the adjacent land cannot be proceeded with by the respondent for removal of encroachment.

3. We are not in agreement with the said argument. The fourth respondent has issued notice for removal of encroachment made by the petitioner in respect of land covered in S.No.127/11, having an extent of 2 cents. The petitioner is unable to show any document that he is the lawful owner.



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Therefore, whatever encroachment is found, should be removed.

4. The learned counsel for the petitioner urged this Court not to survey petitioner's property and also the land adjacent. We do not find any merits in the above submission also because the petitioner is in no way connected with the adjacent land.

5. There is absolutely no merit in the writ petition. The writ petition fails and the same is dismissed. No costs. Consequently, WMP No.31619 of 2022 is closed.

(T.R., ACJ.) (D.K.K., J.)
01.12.2022

Index: Yes/No
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To

1.The District Collector, Namakkal District.

2.The Revenue Divisional Officer, Namakkal District.

3.The Tahsildar,
Rasipuram Taluk, Namakkal District.

4.The Executive Officer,
Koonavelampatti Panchayat,
Rasipuram Taluk, Namakkal District

5.The Block Development Officer, Village Panchayat,
Rasipuram Taluk, Namakkal District



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6.The Inspector of Police,
Puduchattiram Police Station, Namakkal District



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T.RAJA, ACJ,
and
D.KRISHNAKUMAR, J.

(tar)

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