



W.P.No.34273 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2022

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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G.Tirupathi

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Petitioner

v.

1. The District Collector
Krishnagiri, Krishnagiri District
2. The Tahsildar
Uthangarai Taluk
Krishnagiri District
3. Sampath S/o Ramalingam
4. Krishnaveni D/o Manikam
5. Murugan Viswanathan S/o Shruttaiyan
6. Masilamani
7. Sakthivel
8. Periyapillai
9. Arumugam S/o Manikaam
- 10.Chakaravarthi S/o Chandran
- 11.S.Thulasi

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Respondents



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Petition under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents 1 & 2 to consider and dispose of the petitioner's representation dated 26.10.2021 addressed to respondents 1 and 2 touching the issue of encroachment of lands by respondents 3 to 11 at K.Papparapatti Village, Uthangarai Taluk, Krishnagiri District.

For Petitioner :: Mr.D.Jagadeesan

For Respondents :: Mr.P.Muthukumar
State Government Pleader
for R1 & R2

ORDER

(Order of the Court was made by the Hon'ble Acting Chief Justice)

This writ petition has been filed seeking for issuance of a mandamus to the respondents 1 & 2 to consider and dispose of the petitioner's representation dated 26.10.2021, touching the issue of encroachment of lands by respondents 3 to 11 at K.Papparapatti Village, Uthangarai Taluk, Krishnagiri District.

2. Mr.P.Muthukumar, learned State Government Pleader appearing for the respondents 1 & 2, drawing our notice to Section 131(2) of the Tamil



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Nadu Panchayats Act, 1994, which reads as follows,

"(2) It shall be the duty of the Village Administrative Officer of every revenue village to report on encroachments on properties vested in village panchayats or panchayat union councils to the executive authority or the commissioner concerned and to the officer of the Revenue Department, and it shall be the duty of the executive authority or the commissioner concerned to institute proceedings under this Act and secure the removal of the encroachments within such time as may be specified by the Government by general or special order. If the removal of the encroachments has not been secured within the period specified in such order, the officers of the Revenue Department shall institute proceedings under the Tamil Nadu Land Encroachment Act, 1905 and secure such removal.",

submitted that when the President, who is the executive authority of the Panchayat, is having enormous power to remove the encroachments, it is not known why the petitioner has come to this Court.



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3. We also appreciate the argument advanced by the learned State Government Pleader appearing for the respondents 1 & 2. However, since the petitioner has come to this Court, we direct the Block Development Officer, K.Papparapatti Village, Uthangarai Taluk, Krishnagiri District to take appropriate action in the manner known to law, on the basis of the representation dated 26.10.2021 submitted by the petitioner, within a period of four weeks from the date of receipt of a copy of this order. The writ petition stands disposed of accordingly. No costs.

Speaking/Non speaking order

(T.R.,A.C.J.) (D.B.C.,J.)

Index : yes/no

22.12.2022

ss

To

1. The District Collector
Krishnagiri, Krishnagiri District
2. The Tahsildar
Uthangarai Taluk, Krishnagiri District
3. The Block Development Officer
K.Papparapatti Village, Uthangarai Taluk
Krishnagiri District



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THE HON'BLE ACTING CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY,J.

SS

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