



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.05.2022

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

and

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P (MD) No.9266 of 2022

and

W.M.P (MD) No.6645 of 2022

Paulpandi

... Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Revenue Divisional Officer,
Devakottai,
Sivagangai District.

3.The Tahsildar,
Karaikudi,
Sivagangai District.

4.The Block Development Officer,
Sakkottai Panchayat Union,
Sivagangai District.

5.The President,
Illuppakudi Panchayat,
Sakkottai Panchayat Union,
Sivagangai District.

6.P.S.Saravanan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records in pursuant to the impugned eviction notice passed under Section 7 of Land Encroachment Act, dated 22.04.2022 issued by the fifth respondent herein and quash the same as illegal.

For Petitioner	: Mr.P.Saravanakumar
For R-1 to R-4	: Mr.K.S.Selvaganesan, Additional Government Pleader



O R D E R

(Order of the Court was made by **T.RAJA, J.**)

Mr.Paulpandi has come to this Court challenging the impugned proceedings dated 22.04.2022 issued by the President, Illuppakudi Panchayat, Sakkottai Panchayat Union, Sivagangai District, wherein the petitioner has been named as an encroacher of the land covered in Survey No.51/2C.

2. Learned counsel appearing for the petitioner would submit that only on the basis of the order passed by this Court in W.P(MD) No.1409 of 2022, dated 28.01.2022, the petitioner has been issued with the impugned proceedings under Section 7 of the Tamil Nadu Land Encroachment Act, 1905. According to the learned counsel for the petitioner, the President of the Village Panchayat has issued the notice without any jurisdiction. Hence, the petitioner has been advised to come to this Court.

3. Firstly, we are unable to agree with the submission made by the learned counsel for the petitioner that the President of the Village Panchayat, does not have any jurisdiction to issue notice. Secondly, the petitioner does not appear to have given any reply to the notice issued under Section 7 of Tamil Nadu Land Encroachment Act, 1905, which is impugned herein. Even before passing the impugned order, the petitioner has not been given an opportunity to produce relevant documents.

4. Therefore, the impugned order is directed to be treated as a notice calling upon the petitioner to give explanation with supporting documents within a period of two weeks from the date of receipt of a copy of this order. If any such explanation is given by the petitioner, the same shall be considered and appropriate orders shall be passed by the authority within a period of one week thereafter.

5. With the above observations, this writ petition is disposed of. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Vacation Officer/
Assistant Registrar (Records)

// True Copy //

/ /2022
Sub Assistant Registrar(CS)

pm

<https://hcservices.ecourts.gov.in/hcservices/>



To:

1.The District Collector,
Sivagangai District, Sivagangai.

2.The Revenue Divisional Officer,
Devakottai, Sivagangai District.

3.The Tahsildar,
Karaikudi, Sivagangai District.

4.The Block Development Officer,
Sakkottai Panchayat Union,
Sivagangai District.

+1 CC to M/s.P. SARAVANA KUMAR, Advocate (SR-23486[F]
dated 06/05/2022)

+1 CC to M/s.SPL.GP (SR-23501[F] dated 06/05/2022)

W.P (MD) No. 9266 of 2022

05.05.2022

ARK (CO)

GC (24.05.2022) 3P 7C