



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

and

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P.[MD]No.12276 of 2022

and

W.M.P.[MD]Nos.8720 & 8721 of 2022

Mahendran

: Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Block Development Officer (Village Panjayat),
Nilakkottai (Panjayat),
Dindigul District.

3.The Tahsildar,
Nilakkottai,
Dindigul District.

4.The Panjayat President,
Mattaparai Panjayat,
Nilakkottai (Taluk),
Dindigul District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the proceedings of the fourth respondent in Na.Ka.No.001/2021 dated 02.06.2022 and quash the same and consequently direct the respondents to not to disturb petitioner's peaceful enjoyment in the property.

For Petitioner
For Respondents 1 & 3

For Respondents 2 & 4

: Mr.M.Pitchai Muthu
: Mr.J.Ashok
Additional Government Pleader
: Mr.T.Amjad Khan
Government Advocate



O R D E R

[Order of the Court was made by **P.N.PRAKASH, J.**]

Challenging the eviction order dated 02.06.2022, the present writ petition has been filed.

2.It is seen that the President, Mattaparai Panchayat has issued a proceedings dated 02.06.2022, wherein it is stated that the petitioner has encroached upon a common land which is used by the villagers for separating the grains from the crops in S.No.12/2 at Melamattparai Village, Mattaparai Panchayat, Nilakkottai (Taluk), Dindigul District, in which the petitioner has planted coconut trees. It is seen that the petitioner was earlier issued notices twice for removal of the coconut trees, despite which, he has not removed the same. Hence, the present notice has been issued.

3.Learned Counsel for the petitioner submitted that there is an appeal remedy provided under Sections 201 and 202 of the Tamil Nadu Panchayats Act, 1984 against the order of the President. However, a reading of Sections 201 & 202 shows that there is no appeal provision as contended by the learned Counsel for the petitioner. In the impugned order, it is clearly stated that steps for eviction would be taken up under the Tamil Nadu Removal of Land Encroachments Act, 1905. In such view of the matter, we find no infirmity in the order dated 02.06.2022, for interference.

4.Hence, this Writ Petition is closed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (C.O)

// True Copy //

/06/2022

Sub Assistant Registrar(CS)

MR

To

1.The District Collector,
Dindigul District,
Dindigul.



2.The Block Development Officer (Village Panjayat),
Nilakkottai (Panjayat),
Dindigul District.

3.The Tahsildar,
Nilakkottai,
Dindigul District.

4.The Panjayat President,
Mattaparai Panjayat,
Nilakkottai (Taluk),
Dindigul District.

+1 CC to M/s.SPL.GP (SR-26742[F] dated 20/06/2022)

ORDER MADE IN
W.P. [MD] No.12276 of 2022
17.06.2022

_SS(28/06/2022) 3P 6C