



W.P.(MD)No.25653 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2022

CORAM

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**
and
THE HONOURABLE MR.JUSTICE **J.SATHYA NARAYANA PRASAD**

W.P(MD)No.25653 of 2022
and W.M.P.(MD) No.19749 of 2022

A.Ramachandran

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Trichy District.

2.The Tahsildar,
Srirangam Taluk,
Trichy District.

3.The Block Development Officer,
Srirangam Panchayat Union,
Srirangam, Trichy District.

4.The President,,
Ariyavoor Village Panchayat,
Srirangam Taluk,
Trichy District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 2nd Respondent in Na.Ka.No.A3/4686/2021 dated 28.10.2022 and quash the same as illegal and unconstitutional and consequently



W.P.(MD)No.25653 of 2022

forbearing the respondents from in any way dispossessing the petitioner from his premises comprised in Survey No.155/1 situated at Ariyavoor Village, Srirangam Taluk, Trichy District without following due process of law.

For Petitioner : Mr.C.Gangai Amaran
For Respondents 1 & 2 : Mr.G.V.Vairam Santhosh
Additional Government Pleader
For Respondents 3 & 4 : Mr.J.Ashok
Additional Government Pleader
* * *

ORDER

(Order of the Court was made by **R.MAHADEVAN, J.**)

The petitioner has come forward with this writ petition, challenging the impugned order passed by the 2nd Respondent in Na.Ka.No.A3/4686/2021, dated 28.10.2022, and consequently, to forbear the respondents from in any way dispossessing the petitioner from his premises comprised in Survey No.155/1 situated at Ariyavoor Village, Srirangam Taluk, Trichy District, without following due process of law.

2. Heard Mr.C.Gangai Amaran, learned counsel for the petitioner, Mr.G.V.Vairam Santhosh, learned Additional Government Pleader, who accepts notice on behalf of the



W.P.(MD)No.25653 of 2022

respondents 1 and 2 and Mr.J.Ashok, learned Additional Government Pleader, who accepts notice on behalf of the respondents 3 and 4. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. The petitioner has challenged the notice issued by the 2nd respondent dated 28.10.2022, under Section 7 of Tamil Nadu Land Encroachment Act, 1905, on the ground that the property in question vests with the 4th respondent and hence, as per Section 131(2) of the Tamil Nadu Panchayat Act, 1994, only the 4th respondent has got power and authority to initiate such proceedings and if he fails to do it, then the 3rd respondent has to initiate the proceedings and even if he fails to do so, then only the 2nd respondent can initiate the proceedings.

4. The notice under Section 7 of the Act of 1905 is in the form of a show cause notice. The person aggrieved has to reply to the said notice. Further, admittedly, against the impugned notice, the petitioner has moved the 1st respondent – District Collector by filing an appeal on 02.11.2022 and immediately thereafter, rushed to this Court by filing the Writ Petition.



W.P.(MD)No.25653 of 2022

5. In view of the above, though we are not inclined to issue any positive direction to the first respondent, we direct the first respondent to take the appeal filed by the petitioner dated 02.11.2022, for hearing and pass orders on the same on merits and in accordance with law, after affording an opportunity of hearing to the petitioner and any other parties concerned. Such an exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

6. The Writ Petition stands disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petition is closed.

[R.M.D., J.] [J.S.N.P., J.]
11.11.2022

Internet : Yes / No

Index : Yes / No

sj

To

1.The District Collector,
Office of the District Collector,
Trichy District.



W.P.(MD)No.25653 of 2022

2.The Tahsildar,
Srirangam Taluk,
Trichy District.

3.The Block Development Officer,
Srirangam Panchayat Union,
Srirangam, Trichy District.

4.The President,
Ariyavoor Village Panchayat,
Srirangam Taluk,
Trichy District.



WEB COPY



W.P.(MD)No.25653 of 2022

R.MAHADEVAN, J.

and

J.SATHYA NARAYANA PRASAD, J.

sj

W.P(MD)No.25653 of 2022

11.11.2022