



WEB COPY



W.P.No.4966 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2023

CORAM

THE HONOURABLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.4966 of 2023

1.D.S.Ravee Kumar

2.Tmt.Selvi

.. Petitioners

Versus

1.The Collector,
Chengalpattu District.

2.The Superintendent of Police,
Chengalpattu District.

3.The Deputy Superintendent of Police,
Madurantakam, Chengalpattu District.

4.The Inspector of Police,
Anicut Police Station,
Chengalpattu District.

5.The Tahsildar,
Cheyur Taluk, Cheyur,
Chengalpattu District.

6.The President of Panchayat,
No.80, Seevadi Village Panchayat,
Cheyur Taluk,
Chengalpattu District.

7.Thiru.Aranganathan
The Executive Officer and President of Panchayat
No.80, Seevadi Village Panchayat,
Cheyur Taluk,
Chengalpattu District.

.. Respondents



W.P.No.4966 of 2023

Prayer: Writ Petition has been filed under Article 226 of the Constitution of India seeking for issuance of a writ of certiorari to call for the records relating to the eviction notice issued by the sixth respondent under Section 131(2) of the Tamil Nadu Panchayat Act, 1994, dated 10.01.2023 (received on 12.01.2023) and quash the same.

For Petitioner : Mr.V.Elangovan
For R1 to R6 : Mr.P.Muthukumar, State Govt. Pleader

ORDER

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

W.M.P.No.4976 of 2023 seeking permission to permit the petitioners to file single writ petition is allowed.

2. The petitioners have filed this writ petition challenging the impugned eviction notice dated 10.01.2023 issued by the President of Seevadi Village Panchayat/sixth respondent herein.

3. Learned counsel for the petitioners submitted that on earlier occasion, the sixth respondent has demanded illegal gratification, but, since they have refused to heed his demand, sixth respondent has issued the impugned eviction notice. It is further submitted that immediately after the sixth respondent demanded illegal gratification, the petitioners have given complaints dated 06.10.2022 and 12.01.2023 to the respondents 1 to 5, for which, an acknowledgment also has been given to the petitioners. However, the authorities have not taken any action against the sixth respondent.



W.P.No.4966 of 2023

4. We are unable to agree with the above said submissions. Firstly, a perusal of the complaint does not disclose about the alleged illegal gratification demanded by the sixth respondent. Secondly, the impugned proceeding of the sixth respondent clearly shows that the petitioners have encroached the lands covered in Survey Nos.140 and 141/2 of Seevadai Village Panchayat, Cheyur Taluk, Chengalpattu District.

5. It is, at this juncture, learned counsel for the petitioners submitted that immediately after the impugned order, the petitioners have given a reply dated 20.01.2023 stating that they are in no way connected with the above said lands. Therefore, if they have not encroached the lands in question, then there is no need for them to challenge the impugned order directing the parties to remove the encroachment. This apart, a perusal of the impugned order and representation of the petitioners would show that the lands covered in Survey Nos.140 and 141/2 are waterbody. Therefore, if there is any such encroachment, the respondents are at liberty to remove the same in accordance with law.

6. In fine, for the reasons stated above, we do not find any merit in the writ petition and it is dismissed accordingly. No Costs. Consequently, connected other miscellaneous petitions are closed.

(T.R., ACJ.) (D.B.C., J.)
21.02.2023

rkm

THE HON'BLE ACTING CHIEF JUSTICE



WEB COPY



W.P.No.4966 of 2023

and
D.BHARATHA CHAKRAVARTHY, J.
rkm

To

- 1.The Collector,
Chengalpattu District.
- 2.The Superintendent of Police,
Chengalpattu District.
- 3.The Deputy Superintendent of Police,
Madurantakam, Chengalpattu District.
- 4.The Inspector of Police,
Anicut Police Station,
Chengalpattu District.
- 5.The Tahsildar,
Cheyur Taluk, Cheyur,
Chengalpattu District.
- 6.The President of Panchayat,
No.80, Seevadi Village Panchayat,
Cheyur Taluk,
Chengalpattu District.

W.P.No.4966 of 2023

21.02.2023