



WEB COPY



W.P.Nos.15785, 15788, 15789 and 15791 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.Nos.15785, 15788, 15789 and 15791 of 2023

V.Subramanian	.. Petitioner in W.P.No.15785/2023
S.Tamilselvi	.. Petitioner in W.P.No.15788/2023
S.Sivaraman	.. Petitioner in W.P.No.15789/2023
S.Ilavarasan	.. Petitioner in W.P.No.15791/2023

Vs

The Block Development Officer,
(Village Panchayat)
Kanai Village Panchayat Union,
Kanai-605 301
Villupuram District.

.. Respondent in
all writ petitions

Prayer: Petitions filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari calling for the records relating



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to the impugned orders dated 7.3.2023 passed by the respondent and to quash the same.

For the Petitioners : Mr.S.Subbiah
Senior Counsel
for Ms.G.Sumitra

For the Respondent : Mr.P.Muthukumar
State Government Pleader

COMMON ORDER

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

We have heard Mr.S.Subbiah, learned senior counsel for the petitioners and Mr.P.Muthukumar, learned State Government Pleader for the respondent.

2. The learned senior counsel for the petitioners submits that the land in question is a Government land. The Block Development Officer could not have exercised power under the Tamil Nadu Land Encroachment Act, 1905 (for short, "*the said Act*") to issue notices under Section 7 and 6 of the said Act.

3. Learned State Government Pleader accepts that the land in



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question is a Government land.

4. In view of the fact that the land in question is a Government land and even learned State Government Pleader accepts that the Block Development Officer could not have exercised the power, the impugned orders issued under Section 6 of the said Act are quashed and set aside.

5. The present order would not be an impediment for the authorities to take action in accordance with law.

6. The writ petitions are disposed of accordingly. There will be no order as to costs. Consequently, W.M.P.Nos.15226, 15228, 15229 and 15230 of 2023 are closed.

(S.V.G., CJ.)

(P.D.A., J.)

09.06.2023

Index : Yes/No
Neutral Citation : Yes/No
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To

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