



W.P. No. 17624 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.06.2023

CORAM :

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

AND

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

W.P. No. 17624 of 2023

and

W.M.P. Nos. 16710 and 16711 of 2023

1. Murugaraj
2. Prabakaran

.. Petitioner

-VS-

1. The Block Development Officer
Village Panchayat
Pongalur Panchayat Union
Tiruppur South Taluk
Tiruppur District.
2. The President
South Avinashipalayam Village Panchayat
Pongalur Union
Tiruppur South Taluk
Tiruppur District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for the records relating to the notice (issued under section 131 (2) & 222 of Tamil Nadu Panchayat Act, 1994) issued by the second respondent dated 26.05.2023 quash the same.



WEB COPY



W.P. No. 17624 of 2023

For the Petitioner : Mr. V.Elangovan
For the Respondents : Mr.P.Muthukumar
State Government Pleader
Assisted by Mrs.R.Anitha
Special Government Pleader

* * * * *

ORDER

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

We have heard Mr.V.Elangovan, learned counsel for the petitioner and Mr.P.Muthukumar, learned State Government Pleader for the respondents.

2. The petitioner challenges the notice issued by the Panchayat alleging encroachment.

3. The learned counsel submits that the notice even does not contain the details of the survey number which the petitioner has allegedly encroached. According to the learned counsel, the notice is also issued without the authority.



W.P. No. 17624 of 2023

WEB COPY

4. The learned State Government Pleader appears for both the respondents and also could not support the notice issued under Section 131 (2) of Tamil Nadu Panchayat Act, 1994 as it is bereft of details. No survey number is mentioned where the petitioner has allegedly made encroachment.

5. The notice is as vague as it could be. In light of that, the impugned notice is quashed and set aside. The present order would not be an impediment for the respondents to take action in accordance with law.

The writ petition is accordingly allowed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(S.V.G., CJ.)

(P.D.A., J.)

15.06.2023

Index : yes/no

Neutral Citation : Yes/No

sra

Page 3 of 4



WEB COPY



W.P. No. 17624 of 2023

THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESEVALU, J.

(sra)

To:

1. The Block Development Officer
Village Panchayat
Pongalur Panchayat Union
Tiruppur South Taluk
Tiruppur District.
2. The President
South Avinashipalayam Village Panchayat
Pongalur Union
Tiruppur South Taluk
Tiruppur District.

W.P. No. 17624 of 2023

15.06.2023