



WEB COPY



WP No.20557 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2023

CORAM :

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

AND

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

WP No.20557 of 2023

S.B.Bowmesh

.. Petitioner

versus

1.The Panchayat President/Executive Officer,
Oorapakkam Panchayat,
Kattankulathur Panchayat Union,
Chengalpattu District 603 210

2.The Tahsildar,
Vandallur Taluk,
Chengalpattu District 48

3.The Village Administrative Officer,
Oorapakkam Village,
Oorapakkam,
Vandallur Taluk,
Chengalpattu District 603 210

.. 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 impugned eviction notice dated 16.06.2023 issued by the first respondent under G.O.(Standing) No.320 Public Works Department, dated 28.9.2007 and Rule 6(1) of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007 with Rules, and quash the same.



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For the Petitioner : No appearance
For the Respondents : Mr.P.Muthukumar,
State Government Pleader

ORDER

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

None appears for the petitioner. We have heard Mr.P.Muthukumar, learned State Government Pleader, for the respondents.

2. Notice is issued to the petitioner under Rule 6(1) of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007 by the Panchayat Board President. According to the pleadings, he has no power to issue such notice.

3. Mr.P.Muthukumar, learned State Government Pleader, accepts that the Panchayat Board President / Executive Officer has no power to issue notice under Rule 6(1) of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007. Learned State Government Pleader further submits that the concerned authority would take action in accordance with law.



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4. In light of that, the impugned notice is quashed and set aside.

The authority concerned may take fresh action as maybe permissible under law. The present order would not be an impediment for the authority to proceed in accordance with law.

5. The writ petition is disposed of. There will be no order as to costs. Consequently, WMP Nos.19942 and 19946 of 2023 are closed.

(S.V.G., CJ.)

(P.D.A., J.)

19.07.2023

Index : yes/no

Neutral Citation : Yes/No
tar

To:

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THE HON'BLE CHIEF JUSTICE
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P.D.AUDIKESSAVALU, J.

(tar)

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