



WEB COPY



W.P.No.31040 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2023

CORAM :

THE HONOURABLE MR.JUSTICE **D.BHARATHA CHAKRAVARTHY**
AND
THE HONOURABLE MR.JUSTICE **V. LAKSHMINARAYANAN**

W.P.No.31040 of 2023
and
W.M.P.Nos.30685 & 30686 of 2023

Rajendiran

.. Petitioner

VS

- 1.The District Collector,
Dharmapuri District,
Dharmapuri.
- 2.The Assistant Director of Panchayat
Collectorate Campus,
Dharmapuri District,
Dharmapuri.
- 3.The Tahsildar,
Pennagaram Taluk,
Dharmapuri District.
- 4.The Block Development Officer,
Eriyur Panchayat Union,
Pennagaram Taluk,
Dharmapuri District.
- 5.The Panchayat President,
Ajjanahalli Village Panchayat,
Pennagaram Taluk,
Dharmapuri District.

.. Respondents

Petition filed under Article 226 of the Constitution of India
praying to issue a writ of certiorarified mandamus to call for the



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impugned order in Na.Ka.No.272/2023/E4 dated 29.09.2023 issued by the fourth respondent which is received on 12.10.2023 and quash the same and consequently direct the respondents not to disturb the petitioner from his residence situated at Mela Street, Sigaralahalli, Ajjanahalli Post, Pennagaram Taluk, Dharmapuri District.

For Petitioner : Mr.S.N.Subramani
for Ms.S.Vinodha

For Respondents : Mr.A.Selvendran
Special Government Pleader
for R1 to R3

ORDER

(Order of the Court was made by D.BHARATHA CHAKRAVARTHY.,J)

This writ petition challenges the notice issued by the Block Development Officer dated 29.09.2023 requiring the petitioner to remove encroachment by way of concrete building in Survey No. 478/1, which is alleged to have been classified as Grama Natham (street, santhu).

2. This Court has already held that even though the Block Development Officer and the President can request removal of encroachment, and if the petitioner has not removed the encroachment, further proceedings has to be taken by the Tahsildar under the Tamil Nadu Land Encroachment Act, 1905.



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3. That being the legal position, after the present notice, further proceedings shall be taken by the Tahsildar as per the provisions of the Tamil Nadu Land Encroachment Act. As and when show-cause notice is issued under Section 7 of the Act, the petitioner will be entitled to raise all his objections, which shall be considered, on its own merits and in accordance with law.

4. This writ petition stands disposed of in the above terms.
No costs. Connected miscellaneous petitions are closed.

(D.B.C.,J) (V.L.N.,J)
26.10.2023

Index:Yes/No
Neutral Citation:Yes/No
mmi/ssm

To

- 1.The District Collector,
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Collectorate Campus,Dharmapuri District,
Dharmapuri.
- 3.The Tahsildar,
Pennagaram Taluk,Dharmapuri District.
- 4.The Block Development Officer,
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AND
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