



W.P.(MD) Nos.651 to 653 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD) Nos.651 to 653 of 2023
and W.M.P.(MD)Nos.657, 659 & 660 of 2023

M.Murugan	... Petitioner in WP(MD)No.651 of 2023
S.Sekar	... Petitioner in WP(MD)No.652 of 2023
M.Raman	... Petitioner in WP(MD)No.653 of 2023

Vs.

1.The District Collector,
Sivagangai,
Sivagangai District.

2.The Executive Officer,
Selection Grade Town Panchayat,
Singampunari,
Sivagangai District.

... Respondents in all WPs

COMMON PRAYER : Petitions filed under Article 226 of the Constitution of India, to issue Writ of Certiorari to call for the records pertaining to the



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In all Petitions:

For Petitioners : Mr.T.Lajapathi Roy

For Respondents : Mr.M.Sarangan
Additional Government Pleader for R1
Mr.P.Thilak Kumar
Government Pleader for R2

COMMON ORDER

[Common Order of the Court was made by D.KRISHNAKUMAR, J.]

The Writ Petitions have been filed challenging the impugned order of the second respondent in Na.Ka.No.11/2020/A3 dated 26.12.2022.

2. Heard Mr.T.Lajapathi Roy, learned counsel for the petitioners, Mr.M.Sarangan, learned Additional Government Pleader, who takes notice for the first respondent and Mr.P.Thilak Kumar, learned Government Pleader, who takes notice for the second respondent.



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4. It is the specific contention of the learned counsel for the petitioners that the impugned notices issued by the 2nd respondent invoking the provisions of the Tamil Nadu Land Encroachment Act, 1905 is illegal and without jurisdiction and hence, the impugned notices are liable to be set aside.

5. The learned Government Pleader appearing for the respondents fairly submitted that the second respondent has wrongly issued the impugned notices under the provisions of the Tamil Nadu Land Encroachment Act, 1905. Therefore, fresh notices would be issued under Section 182 of the Tamil Nadu District Municipalities Act, 1920 and necessary action would be taken for removal of encroachment.

6. In view of the above, the second respondent is directed to issue fresh notices to the petitioners under Section 182 of the Tamil Nadu District



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Municipalities Act, 1920, and thereafter, take necessary action for removal encroachment, by following due process of law. Such an exercise shall be completed, within a period of twelve [12] weeks from the date of receipt of a copy of this order.

7. Accordingly, the impugned notices issued by 2nd respondent in his proceedings in Na.Ka.No.11/2020/A3 dated 26.12.2022, are hereby quashed and consequently, these writ petitions are allowed with above terms. No costs. Consequently, connected miscellaneous petitions are closed.

[D.K.K., J.] [R.V., J.]

11.01.2023

NCC : Yes / No

Index : Yes / No

vsm



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