



W.P.(MD) No.2898 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.11.2023

CORAM:

**THE HON'BLE MR.SANJAY V.GANGAPURWALA,
CHIEF JUSTICE
and
THE HON'BLE MR.JUSTICE K.K.RAMAKRISHNAN**

**W.P.(MD) No.2898 of 2021
and WMP(MD) Nos.11736 and 12565 of 2021**

Balu,

... Petitioner

Vs

- 1.The District Collector,
Office of the District Collector,
Sivagangai District.
- 2.The District Revenue Officer,
Office of the District Revenue Officer,
Sivagangai District.
- 3.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer ,
Devakottai, Sivagangai District.
4. The Tahsildar,
Singampunari Taluk,
Sivagangai District.



W.P.(MD) No.2898 of 2021

WEB COPY

5. The Commissioner,
Singampunari Panchayat Union,
Singampunari Taluk,
Sivagangai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari to call for the records connected with the impugned order in Na.Ka.No.A2/1641/2020 dated 22/01/2021 issued by the Respondent No.5 and quash the same as illegal and consequently direct the Respondents not to evict the petitioner from his dwelling house in survey No. 629/1, Door No.380, Arasinampatti , Singampunari North , Sivagangai , without following the due process of law, in accordance with law within the time stipulated by this Court.

For Petitioners : Mr. A.P.Balasubramani

For Respondents : Mr.T.Amjad Khan for R1 to R4
Government Advocate
Mr.K.Mu.Muthu for R5



W.P.(MD) No.2898 of 2021

WEB COPY

ORDER

**[Order of the Court was made by
The Hon'ble The CHIEF JUSTICE]**

We have heard Mr.A.P.Balasubramani, learned counsel for the petitioner, Mr.T.Amjad Khan, learned Government Advocate for the respondents 1 to 4 and Mr.K.Mu.Muthu, learned counsel for the respondent No.5.

2. The petitioner challenges the notification under Section 131(2) of the Tamil Nadu Panchayats Act, 1994. Section 131(2) of the Act of 1994 directs the petitioner to remove the encroachment. The notification further states that if the petitioner does not remove the encroachment, proceedings under the Tamil Nadu Land Encroachment Act 1905 would be followed.

3. In that case, the respondents are required to issue notice to the petitioner under Section 7 of the Tamil Nadu Land Encroachment Act, 1905. If the petitioner is issued with notice under Section 7 of the said Act, 1905 then, the petitioner is entitled to file reply to such notice along with all the relevant



W.P.(MD) No.2898 of 2021

documents, before proceeding under Section 6 of the Act, 1905 and the order passed under Section 6 is also subject to appeal under Section 10 of the said Act.

4. In light of that, as it is only a notice under Section 131(2) of the Tamil Nadu Panchayats Act, 1994, the respondents will be required to issue notice under Section 7 of the Act, 1905 wherein, the petitioner will have liberty to file a detailed reply along with all the documents. At this stage, we are not inclined to entertain the writ petition. As such the writ petition is disposed of with the aforesaid observation. However, there shall be no order as to costs. Consequently connected Miscellaneous Petitions are closed.

[S.V.G., CJ.]

[K.K.R.K., J.]

28.11.2023

NCC : Yes / No
Index : Yes / No
RR



W.P.(MD) No.2898 of 2021

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WEB COPY



W.P.(MD) No.2898 of 2021

THE HON'BLE THE CHIEF JUSTICE
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K.K.RAMAKRISHNAN, J.

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W.P.(MD)No.2898 of 2021

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