



W.P.(MD) No.2984 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2023

CORAM:

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

**W.P.(MD) No.2984 of 2022
and WMP(MD) Nos.2615 and 21301 of 2022**

Zahir Hussain.S,

... Petitioner

Vs

1. The Principal Secretary,
Housing and Urban Development
Department, Secretariat, Chennai-9..

2. The Assistant Director,
Town Panchyat, Collectorate Building,
Tiruchirapalli..

3. The Block Development Officer,
Thiruverumbur Panchayat Union,
Tiruchirapalli..

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus to call for records of the 3rd respondent pertaining to the impugned notice dated 12.01.2022 in Na.Ka.No.A5/2269/2021 and quash the same as illegal and arbitrary and consequently direct the 1st respondent to dispose of the appeal filed by the petitioner, dated 16.11.2021 within a time stipulated by this Court.

For Petitioners : Mr.P.Parthiban
For Respondents : Mr.T.Amjad Khan
Government Advocate

ORDER

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

We have heard Mr.P.Parthiban, learned counsel for the petitioner and Mr.T.Amjad Khan, learned Government Advocate for the respondents.

2. Notice issued under Section 131 of the Tamil Nadu Panchayats Act, 1994 is challenged. It is submitted that the petitioner already filed an appeal before the first respondent seeking exemption.



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3. The impugned notice is under Section 131 of the Tamil Nadu Panchayats Act, 1994 calling for explanation from the petitioner with documents. The petitioner may submit within seven days from today the reply and the documents pursuant to the impugned notice. The respondent may consider the said documents. In case, the respondent authority are not convinced with the reply, then they may proceed under Sections 6 and 7 of the Land Encroachment Act, 1905, in accordance with law.

5. With this observation, the writ petition is disposed of. However, there shall be no order as to costs. Consequently connected Miscellaneous Petitions are closed.

[S.V.G., CJ.]

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

29.11.2023

NCC : Yes / No

Index : Yes / No

RR



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