



W.P.(MD)No.3928 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.3928 of 2023

and

W.M.P.(MD)No.3761 of 2023

Raja

... Petitioner

Vs.

- 1.The District Collector,
District Collector Office,
Trichy.
- 2.The Revenue Divisional Officer,
Musiri Revenue Division Office,
Musiri,
Trichy District.
- 3.The Tahsildar,
Musiri Taluk Office,
Musiri,
Trichy District.



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4.The Block Development Officer,
Thathayangarpettai Union Office,
Musiri Taluk,
Trichy District.

5.The President,
Panchayat Office,
Paithamparai Panchayat,
Musiri Taluk,
Trichy District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the impugned notice of the 5th respondent vide his letter dated 20.01.2023 and quash the same as illegal.

For Petitioner : Mr.K.Arunraj

For Respondents : Mr.M.Sarangan,
Addl. Govt. Pleader for R1 to R3
Mr.V.Nirmal Kumar,
Govt. Advocate for R4 & R5

ORDER

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

Challenging the impugned notice of the 5th respondent vide his letter dated 20.01.2023, the petitioner has filed this Writ Petition.



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3. It is the specific contention of the learned counsel for the petitioner that without conducting proper survey, the 5th respondent has passed the impugned order and therefore, the same is liable to be quashed.

4. The learned Additional Government Pleader appearing for the respondents 1 to 3 fairly submitted that the fifth respondent has wrongly issued the impugned notice under the provisions of the Tamil Nadu Land Encroachment Act, 1905. Therefore, fresh notice would be issued under Section 131 (2) of the Tamil Nadu Panchayats Act, 1994 and necessary action would be taken for removal of encroachment.

5. In view of the above, the fifth respondent is directed to issue fresh notice to the petitioner under Section 131 (2) of the Tamil Nadu Panchayats Act, 1994, within a period of two [2] weeks from the date of receipt of a copy of this order. On receipt of such notice, the petitioner is directed to file his explanations



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WEB CCM / objections to the same, enclosing all the relevant materials to substantiate his claim within the period stipulated by the fifth respondent. On receipt of such explanations / objections, the fifth respondent is directed to consider the same and pass appropriate orders on merits and in accordance with law. If there is any encroachment in the place in question, the same shall be removed by the fifth respondent, by following due process of law.

6. Accordingly, the impugned notice issued by fifth respondent in his letter dated 20.01.2023 is hereby quashed and consequently, this writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.] [L.V.G., J.]
27.02.2023

NCC : Yes / No
Index : Yes / No
vsm



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