



WEB COPY

W.P.(MD) No.19765 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.12.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN**

**W.P.(MD) No.19765 of 2021
and
W.M.P.(MD) No.16456 of 2021**

C.Sivakumar

... Petitioner

-VS-

1.The Block Development Officer
Panchayat Union
Thiruverumpur
Trichirappalli District

2.The Thasildar
Thiruverumpur
Trichirappalli District

3.N.Rajalakshmi

4.The President
Gundur Panchayat
Thiruverumbur Panchayat Union
Trichy District
[R4 is impleaded vide Court Order dated
01.09.2023 in W.M.P.(MD) No.16438 of 2023]

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records pertaining to the impugned proceedings issued under Sections 131(2) and 222 of Tamil Nadu Panchayat Act in Na.Ka.No.B2/1137/2018, dated 18.10.2021, by the first respondent directing the petitioner to remove the encroachment made in Old Survey No.35/7, new Survey Nos.444/14, 444/21 at Kundoor Village, Thiruverumbur Panchayat Union, Trichy and quash the same as illegal.

For Petitioner : Mr.F.Deepak

For Respondents : Mr.T.Amjad Khan
Government Advocate for R1 & R2
Mr.M.P.Senthil for R3
Mr.AN.Ramanathan for R4

ORDER

[Order of the Court was made by S.M.SUBRAMANIAM, J.]

The notice, dated 18.10.2021, issued by the Block Development Officer/ first respondent, under Sections 131(2) and 222 of Tamil Nadu Panchayats Act, 1994, is under challenge in this writ petition.



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2. The main ground raised by the petitioner is that the Block Development Officer is not the competent authority to evict encroachments.

3. In view of the said ground, we are inclined to convert the impugned notice dated 18.10.2021, issued by the first respondent, as a report, which is directed to be forwarded to the Tahsildar / second respondent, who in turn shall initiate eviction proceedings under the relevant provisions of the Act, by affording an opportunity to the alleged encroachers and by following due process of law. Such an exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

4. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[S.M.S., J.]

[V.L.N., J.]

13.12.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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