



W.P(MD)No.7868 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.09.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.7868 of 2015
and
M.P.(MD)Nos.2 and 3 of 2015

Gurunathan

... Petitioner

Vs.

1.The Commissioner,
Vaiyampatty Panchayat Union,
Vaiyampaty,Manaparai Taluk,
Trichy District.

2.The Tahsildar,
Manaparai,
Trichy District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned notice dated 24.04.2015 and the consequential eviction notice dated 03.05.2015 published daily news paper by 1st respondent and quash the same and consequently forbear the respondents their men, agents or servants or any one claiming under them from in any manner interfering with the petitioner's peaceful



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possession and enjoyment Survey No.153/1 measuring 0.086 sq.ft. (Aspetasha Sheet / Concrete) at Vaiyampatti Village Manapparai Taluk, Trichy District pending disposal of the O.S.No.115 of 2015 on the file of learned District Munsif, Manapparai.

For Petitioner : Mr.J.Anandkumar

For Respondents : Mr.S.Shanmugavel,
Addl. Government Pleader.

ORDER

Heard both sides.

2.The petitioner challenges the impugned eviction notice issued by the first respondent under the provisions of the Tamil Nadu Land Encroachment Act, 1905.

3.A careful reading of the relevant provision would indicate that the first respondent lacks jurisdiction. It is only the authorities notified in the Act who can invoke the power under the Act. The Commissioner of a Panchayat Union is not one of the notified authorities. The



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impugned notice is set aside as it is without jurisdiction. The second respondent is at liberty to take action as per law.

4.This writ petition is allowed on these terms. No costs.

Consequently, connected miscellaneous petitions are closed.

14.09.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

1.The Commissioner,
Vaiyampatty Panchayat Union,
Vaiyampaty,Manaparai Taluk,
Trichy District.

2.The Tahsildar,
Manaparai,
Trichy District.



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G.R.SWAMINATHAN, J.

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