



W.P.(MD)Nos.21249, 21250, 21251, 21252, 21254 & 21255 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.08.2023

CORAM:

THE HONOURABLE **MR.JUSTICE S.S.SUNDAR**

and

THE HONOURABLE **MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.P(MD)Nos.21249, 21250, 21251, 21252, 21254 & 21255 of 2023

and

W.M.P(MD)Nos.17652, 17650, 17649, 17653, 17655 & 17651 of 2023

W.P(MD)No.21249 of 2023

Renganathan

... Petitioner

Vs.

1.The District Collector,
Karur District,
Karur.

2.The District Revenue Officer,
Karur,
Karur District.

3.The Tahsildar,
Kadavur Taluk,
Karur District.

4.The Commissioner,
Panchayat Union,
Krishnarayapuram,
Karur District.

... Respondents



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Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the entire records in connection with the Impugned order in Na.Ka.N3/3465/2023 dated 21.08.2023 on the file of the fourth respondent to quash the same as illegal and consequently directing the respondents not to disposes the petitioner without following the due procedure established under the law from New Survey No.99/1, 99/2, Mathagiri Panchayat, Krishnarayapuram Panchayat Union, Kadavur Taluk, Karur District.

For Petitioner	:Mr.P.Andiraj
For R1 to R3	:Mr.S.P.Maharajan Special Government Pleader
For R4	:Mr.M.Lingadurai Special Government Pleader

COMMON ORDER

(Order of the Court was made by **S.S.SUNDAR, J.**)

Mr.S.P.Maharajan, learned Special Government Pleader, takes notice for the respondents 1 to 3 and Mr.M.Lingadurai, learned Special Government Pleader takes notice for R4.



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2. With the consent of both sides, these writ petitions are taken up for final hearing at the admission stage itself.

3. These writ petitions are filed for issuance of a writ of certiorarified Mandamus to quash the impugned order passed by the Commissioner of Panchayat Union and for directing the respondents not to dispossess the petitioners, without following the due process of law, from the property comprised in new Survey Nos.99/1, 99/2, Mathagiri Panchayat, Krishnarayapuram Panchayat Union, Kadavur Taluk, Karur District.

4. The petitioners state that the petitioners are residing in the above said survey numbers 99/1, 99/2. It is the case of the petitioners that they are paying property tax and other dues to the Local Body. Though the petitioners admit that the subject properties are classified as “Vandi Pathai Poramboke”, it is stated by them that they are in peaceful possession and enjoyment of the same for long number of years. The limited prayer, which the petitioners seek in these writ petitions, is that the impugned order is passed by authority without jurisdiction and that



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they shall not be evicted from the subject property, otherwise than by due process of law. The impugned order is passed by the Commissioner of Panchayat Union under Section 131(2) and Section 222 of Tamilnadu Panchayat Act. This Court has in several cases held that the fourth respondent is not competent to secure possession by himself when he is unable to evict by due process of law and that the revenue officials alone are competent to initiate action under the provisions of Tamilnadu Land Encroachment Act, in terms of Section 131(2) of Tamilnadu Panchayat Act.

5. In the facts and circumstances of the case, this Court is inclined to dispose of these writ petitions in the following lines:

“The impugned orders are quashed. However, liberty is given to the third respondent to initiate further proceedings under Tamilnadu Land Encroachment Act, 1905. The respondents shall follow the procedure in accordance with the provisions of the Tamil Nadu Land Encroachment Act, 1905 before evicting the petitioners from the subject property.”



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6. Accordingly, these writ petitions are disposed of. No costs.

Consequently, connected miscellaneous petitions are closed.

[S.S.S.R., J.] [D.B.C., J.]
30.08.2023

Index : Yes / No

NCC : Yes/No

am

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