



WEB COPY

W.P.(MD) No.21674 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.09.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

**W.P.(MD) No.21674 of 2023
and
W.M.P.(MD) No.18070 of 2023**

N.Paramasivan

... Petitioner

-vs-

- 1.The District Collector
District Collector Office
Tenkasi District
- 2.The Revenue Divisional Officer
Revenue Divisional Office
Tenkasi District
- 3.The Thasildar
Taluk Office
Sankarankoil
Tenkasi District
- 4.The Surveyor
Survey Department Taluk Office
Kadaiyanallur
Tenkasi District



WEB COPY

W.P.(MD) No.21674 of 2023

5.The Block Development Officer
Block Development Office
Melaneelithanallur Union
Sankarankoil Taluk
Tenkasi District

6.The Village Panchayath President
Sernthamangalam Majara
Village Panchayath
Kadaiyanallur Taluk
Tenkasi District

7.Iyyendera Rajan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the records pertaining to the impugned eviction notice dated 17.08.2023 issued by the sixth respondent and quash the same as illegal and consequently directing the respondents following the due process of law.

For Petitioner : Mr.R.Mathava Selvam

For Respondents : Mr.M.Lingadurai
Special Government Pleader for R1 to R4
Mr.D.Sachi Kumar
Additional Government Pleader for R5 & R6



WEB COPY



W.P.(MD) No.21674 of 2023

ORDER

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

Mr.M.Lingadurai, learned Special Government Pleader, takes notice for the respondents 1 to 4 and Mr.D.Sachi Kumar, learned Additional Government Pleader, takes notice for the respondents 5 & 6.

2. Since we are not passing any adverse orders, notice to the seventh respondent is dispensed with

3. With the consent of both sides, this writ petition is taken up for final hearing at the admission stage itself.

4. This writ petition is filed challenging the order, which is one purported to have been passed under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 (for brevity, “the Act”). However, the impugned order is passed by the President of a Village Panchayat, though he has no power or jurisdiction under the provisions of the Act to remove encroachments.



WEB COPY

W.P.(MD) No.21674 of 2023

5. Hence, this writ petition is allowed and the impugned order dated 17.08.2023, passed by the sixth respondent, is quashed, on the sole ground that the impugned order is passed without jurisdiction or competency. However, it is open to the revenue officials to remove encroachments, in case any encroachment is found in the public property, in the manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

[S.S.S.R., J.]

[D.B.C., J.]

05.09.2023

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

krk

To:

- 1.The District Collector,
District Collector Office,
Tenkasi District.
- 2.The Revenue Divisional Officer,
Revenue Divisional Office,
Tenkasi District.



W.P.(MD) No.21674 of 2023

WEB COPY

- 3.The Thasildar,
Taluk Office,
Sankarankoil,
Tenkasi District.
- 4.The Surveyor,
Survey Department Taluk Office,
Kadaiyanallur,
Tenkasi District.
- 5.The Block Development Officer,
Block Development Office,
Melaneelithanallur Union,
Sankarankoil Taluk,
Tenkasi District.
- 6.The Village Panchayath President,
Seranthamangalam Majara,
Village Panchayath,
Kadaiyanallur Taluk,
Tenkasi District.



WEB COPY



W.P.(MD) No.21674 of 2023

S.S.SUNDAR, J.
and
D.BHARATHA CHAKRAVARTHY, J.

krk

W.P.(MD) No.21674 of 2023
and
W.M.P.(MD) No.18070 of 2023

05.09.2023