



W.P.(MD)No.24732 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 03.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MRS.JUSTICE R. KALAIMATHI

W.P.(MD)No.24732 of 2022

and

W.M.P.(MD)Nos.18830 and 18831 of 2022

Ponniah

... Petitioner

Vs.

- 1.The District Collector,
Theni District, Theni.
- 2.The Revenue Divisional Officer,
Uthamapalayam Division,
Theni District.
- 3.The Block Development Officer (Village Panchayat),
Uthamapalayam, Theni District.
- 4.The Tahsildar,
Uthamapalayam,
Theni District.
- 5.The Executive Officer,
Thamminayakanpatti Panchayat,
Uthamapalayam Taluk,
Theni District.



W.P.(MD)No.24732 of 2022

6.The President,
Thamminayakanpatti Panchayat,
Uthampalayam Taluk, Theni District.

7.Pandian

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the impugned order passed by the fifth and sixth respondents in Notice-III, dated 20.10.2022 and quash the same.

For Petitioner : Mr.K.Rajeshwaran

For R1 to R6 : Mr.N.Satheeshkumar

Additional Government Pleader

ORDER

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

The notice issued by the Executive Officer and the President of Thamminayakanpatti Panchayat, Uthamapalyam Taluk, Theni District in proceedings dated 20.10.2022 is sought to be quashed in the present Writ Petition.

2.The learned counsel appearing for the petitioner mainly contended that the Executive Officer and the President without jurisdiction, had issued eviction notice under the provisions of the Tamil Nadu Panchayats Act, 1994.

2/5



W.P.(MD)No.24732 of 2022

WEB COPY

3.The learned Special Government Pleader appearing for the respondents 1 to 6 has made a submission that under Section 131(2) of the Tamil Nadu Panchayats Act, 1994, the authority competent is empowered to evict the encroachers.

4.In any event the notice issued by the Executive Officer and the President is to be construed as a report for the purpose of initiation of eviction proceedings and accordingly, the Executive Officer and the President /fifth and sixth respondents is directed to communicate the said report to the jurisdictional Tahsildar /fourth respondent, who in turn shall issue notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 (hereinafter referred to as 'the Act') to the encroacher and thereafter, on receipt of objections / explanations from the encroacher, pass an order under Section 6 of the Act and proceed with the removal of encroachment.

5.It is needless to state that the fourth respondent has to scrupulously follow the procedures as contemplated under the Act. The said exercise is directed



W.P.(MD)No.24732 of 2022

to be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.

6. With these observations, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S., J.) & (R.K.M., J.)
03.11.2023

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

ta

To

1. The District Collector,
Theni District, Theni.

2. The Revenue Divisional Officer,
Uthamapalayam Division,
Theni District.

3. The Block Development Officer (Village Panchayat),
Uthamapalayam, Theni District.

4. The Tahsildar,
Uthamapalayam,
Theni District.

4/5



WEB COPY



W.P.(MD)No.24732 of 2022

S.M.SUBRAMANIAM, J.

AND

R. KALAIMATHI, J.

ta

5.The Executive Officer,
Thamminayakanpatti Panchayat,
Uthamapalayam Taluk,
Theni District.

6.The President,
Thamminayakanpatti Panchayat,
Uthampalayam Taluk,
Theni District.

W.P.(MD)No.24732 of 2022

03.11.2023