



W.P.(MD)No.26001 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

and

THE HONOURABLE MR.JUSTICE P.DHANABAL

W.P.(MD)No.26001 of 2023

and

W.M.P.(MD)No.22381 of 2023

Praveen Kumar

: Petitioner

Vs.

1.The District Collector,
Theni District, Theni.

2.The Block Development Officer,
Theni Panchayat Union Office,
Theni-625 531.

3.The President/Executive Officer,
Unjampatti Village,
Theni Panchayat Union Office,
Theni-625 531.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorari calling for the records pertaining to the Impugned Order passed by the 3rd respondent dated 12.10.2023 which was served on 22.10.2023 and quash the same as illegal.



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For Petitioner : Mr.P.Edin Brough

For Respondents : Mr.S.Shaji Bino
Special Government Pleader

ORDER

Heard the learned counsel for the petitioner.

2. The impugned order has been passed by the third respondent under Section 131 of 'the Tamil Nadu Panchayats Act, 1994' [hereinafter 'the Act' for brevity]. The third respondent is having power and jurisdiction to issue eviction notice. However, he cannot physically cause removal if the petitioner fails to comply with the demand set out in the impugned notice. Thereafter, the third respondent has to necessarily move the jurisdictional Thasildar for taking action under the Tamil Nadu Land Encroachment Act, 1905. The Tahsildar has to adhere to the procedure laid down in the Tamil Nadu Land Encroachment Act, 1905.

3. With this clarification, this Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

[G.R.S.,J.] & [P.D.B.,J.]
26.10.2023

Neutral Citation : Yes/No
Index : Yes/No
vsm/skm



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G.R.SWAMINATHAN, J.

and

P.DHANABAL, J.

vsm/skm

ORDER MADE IN

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26.10.2023