



W.P.(MD)No.18116 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MRS.JUSTICE R. KALAIMATHI

W.P.(MD)No.18116 of 2017

and

W.M.P.(MD)No.14576 & 14577 of 2017

Pandian

Vs.

... Petitioner

1.The District Collector,
Tirunelveli District, Tirunelveli.

2.The Tahsildar,
Sankarankovil Taluk, Tirunelveli District.

3.The Block Development Officer (Village Panchayat),
Melaneelithanallur, Sankarankovil Taluk,
Tirunelveli District.

4.The Assistant Engineer,
Highways Department,
Sankarankovil, Tirunelveli District.

5.The Secretary,
Vanni Conenthal Panchayat,
Sankarankovil Taluk, Tirunelveli District.

...Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned eviction notice in Na.Ka.No.Aa3/2704/2017, dated 19.08.2017 passed by the 3rd respondent and to quash the same insofar as the petitioner's property (Serial No. 29) is concerned and consequently, to direct the respondents that not to take any coercive action for vacating the petitioner from the property in Door No.417, Survey No.579/1, situating in Vanni Conenthal Village, Sankarankovil Taluk, Tirunelveli District without following the due process of law.

For Petitioner : Mr.M.S.Jeyakarthik

For R1, R2 & R4 : Mr.S.P.Maharajan,
Special Government Pleader

For R3 : Mr.M.Rajarajan

ORDER

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

The notice issued by the Block Development Officer, Melaneelithanallur Village Panchayat, Sankarankovil Taluk, Tirunelveli District in proceedings dated 19.08.2017 is sought to be quashed in the present Writ Petition.

2.The learned counsel appearing for the petitioner mainly contended that the Block Development Officer is an incompetent authority, issued eviction notice under the provisions of the Tamil Nadu Panchayats Act, 1994.



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3.The learned Special Government Pleader appearing for the respondents 1, 2 and 4 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 Block Development Officer is to be construed as a report for the purpose of initiation of eviction proceedings and accordingly, the Block Development Officer / 3rd respondent is directed to communicate the said report to the jurisdictional Tahsildar / 2nd 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 thereafter, proceed with the removal of encroachment.

5.It is needless to state that the 2nd respondent has to scrupulously follow the procedures as contemplated under the Act. The said exercise is directed to be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.



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6. With these observations, this Writ Petition stands dismissed. 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

Yuva

To

1. The District Collector,
Tirunelveli District, Tirunelveli.

2. The Tahsildar,
Sankarankovil Taluk, Tirunelveli District.

3. The Assistant Engineer,
Highways Department,
Sankarankovil, Tirunelveli District.



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S.M.SUBRAMANIAM, J.

AND

R. KALAIMATHI, J.

Yuva

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