



W.P.(MD)No.26335 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD)No.26335 of 2023

and

W.M.P.(MD)No.22670 of 2023

K.Velayudham

... Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Aruppukottai, Virudhunagar District.

3.The Tahsildar,
Thiruchuli Taluk,
Virudhunagar District.

4.The Block Development Officer,
Narikudi, Virudhunagar District.

5.The Panchayat President,
Maraiyur Village Panchayat,
Narikudi Union,
Virudhunagar District.



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6.The Sub Inspector of Police,
Narikudi Police Station,
Virudhunagar District.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned order in Na.Ka.No.Aa3/1198/2023 dated 25.10.2023 issued by the fourth respondent and quash the same.

For Petitioner	: Mr.K.Saravana Bagavathy
For R1 to R3	: Mr.S.Shanmugavel Additional Government Pleader
For R6	: Mr.Veeranthiran Government Advocate
For R4 and R5	: Mr.S.Kameswaran Government Advocate

ORDER

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

The inter departmental communication between the Block Development Officer, Narikudi and the President, Panchayat Union, Maraiyur Union dated 25.10.2023 is sought to be quashed in the present writ petition.



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2. Based on the complaint received, the Block Development Officer issued the impugned letter to the Panchayat President to remove the encroachments by invoking the provisions of the Tamil Nadu Panchayats Act. Under Section 131(2) of the Act, the Panchayat president has to ascertain the extent of encroachment of public property/road/water body etc., and submit a report to the jurisdictional Tahsildar for the purpose of initiation of action under the provisions of the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905). The Tahsildar in turn, has to issue notice and the procedure contemplated are to be followed by affording opportunities to the encroachers. However, in the present case, no such opportunity was provided to the encroachers and thus, the petitioner has chosen to challenge the inter-departmental communication.

3. In view of the fact that the order impugned in the writ petition is the communication between the Block Development Officer and the Panchayat President, such order may be treated as a report and the said report has to be communicated to the jurisdictional Tahsildar for initiation of removal proceeding under the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of



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1905) by following procedures. Such exercise is directed to be completed within a period of 12 weeks from the date of receipt of a copy of this order.

4.This writ petition stands disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S., J.) & (V.L.N., J.)
02.11.2023

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

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