



W.P.(MD)Nos.20107 and 20108 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MRS.JUSTICE R. KALAIMATHI

W.P.(MD)Nos.20107 and 20108 of 2017

and

W.M.P.(MD)Nos.16400 and 16402 of 2017

Maragatham
Lakshmi @ Dhanalakshmi

... Petitioner in W.P.(MD)No.20107 of 2017
... Petitioner in W.P.(MD)No.20108 of 2017

Vs.

- 1.The District Collector,
Dindigul District, Dindigul.
- 2.The Revenue Divisional Officer,
Palani Taluk,
Dindigul District.
- 3.The Tahsildar,
Vedasandur Taluk,
Vedasandur,
Dindigul District.
- 4.The Block Development Officer
Cum Executive Officer,
Kujiliamparai Panchayat Union,



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Vedasandur Taluk,
Dindigul District.

...Respondents in both petitions

COMMON PRAYER: Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the impugned orders made by the fourth respondent in his proceedings in Na.Ka.No. 1088/2017/D3 dated 19.10.2017 and quash the same as illegal.

In both petitions:

For Petitioners : Mr.D.Selvaraj

For R1 to R4 : Mr.Shanmugavel

Additional Government Pleader

COMMON ORDER

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

The notices issued by the Block Development Officer cum Executive Officer, Kujiliamparai Panchayat Union, Vedasandur Taluk, Dindigul District in proceedings dated 19.10.2017 are sought to be quashed in the present Writ Petitions.



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2.The learned counsel appearing for the petitioners mainly contended that the Block Development Officer without jurisdiction, has issued eviction notices under the provisions of the Tamil Nadu Panchayats Act, 1994.

3.The learned Additional Government Pleader appearing for the respondents 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 are to be construed as a report for the purpose of initiation of eviction proceedings and accordingly, the Block Development Officer /4th respondent is directed to communicate the said report to the jurisdictional Tahsildar / 3rd 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 encroachers and thereafter, on receipt of objections / explanations from the encroachers, pass an order under Section 6 of the Act and thereafter, proceed with the removal of encroachment.



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5.It is needless to state that the third 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.

6.With these observations, these Writ Petitions stand 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
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To

1.The District Collector,
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3.The Tahsildar,
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AND

R. KALAIMATHI, J.

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4.The Block Development Officer
Cum Executive Officer,
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