



W.P.(MD)No.20127 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)No.20127 of 2017

and

W.M.P.(MD)No.16418 of 2017

Tamilarasi

Vs.

... Petitioner

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,
Vedasandur Taluk,
Dindigul District.

...Respondents



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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 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.

For Petitioner : Mr.D.Selvaraj

For R1 to R4 : Mr.Shanmugavel

Additional Government Pleader

ORDER

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

The notice issued by the Block Development Officer cum Executive Officer, Kujiliamparai Panchayat Union, Vendasandur Taluk, Dindigul District in proceedings dated 19.10.2017 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 without jurisdiction, has issued eviction notice under the provisions of the Tamil Nadu Panchayats Act, 1994.



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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 is 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 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 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.



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6. With these observations, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is 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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Cum Executive Officer,
Kujiliamparai Panchayat Union,
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AND

R. KALAIMATHI, J.

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