



W.P.(MD)No.21063 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 03.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MRS.JUSTICE R. KALAIMATHI

W.P.(MD)No.21063 of 2017

and

W.M.P.(MD)Nos.17311, 17312 and 17560 of 2017

P.Sonaimuthu

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Dindigul.

2.The Tahsildar,
Office of the Tahsildar,
Vedasandur,
Dindigul District.

3.The Executive Officer,
Panchayat Office,
Vedasanthur, Dindigul District.

4.Maruthai

...Respondents

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 issued by



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the second respondent in Na.Ka.No.5130/2017/A4 dated 18.05.2007 and consequently the impugned notice issued by the third respondent in Na.Ka.No.3 of 2016 dated 07.06.2017 and consequently the impugned notice issued by the second respondent dated 11.08.2017 and consequently impugned notice issued by the third respondent in Na.Ka.No.3 of 2016 dated 09.11.2017 and quash the same as illegal, against law and non jurisdiction.

For Petitioner : Mr.A.Anandan
For R1 & R2 : Mr.N.Satheesh Kumar
Additional Government Pleader
For R3 : Mr.Aayiram K.Selvakumar

ORDER

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

The notices issued by the Tahsildar, Vedasanthur, Dindigul District in proceedings dated 18.05.2007 and 11.08.2017 and the consequential notices issued by the Executive Officer, Vedasandur, Dindigul District in proceedings dated 07.06.2017 and 09.11.2017 are sought to be quashed in the present Writ Petition.



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2.The learned counsel appearing for the petitioner mainly contended that the Executive Officer without jurisdiction, has issued eviction notice under the provisions of the Tamil Nadu Panchayats Act, 1994.

3.The learned Additional Government Pleader appearing for the respondents 1 and 2 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 Executive Officer is to be construed as a report for the purpose of initiation of eviction proceedings and accordingly, the Executive Officer /3rd respondent is directed to communicate the said report to the jurisdictional 1Tahsildar /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.



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5.It is needless to state that the second 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, this Writ Petition stands 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,
Office of the District Collector,
Dindigul.

2.The Tahsildar,
Office of the Tahsildar,
Vedasandur, Dindigul District.

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S.M.SUBRAMANIAM, J.

AND

R. KALAIMATHI, J.

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3.The Executive Officer,
Panchayat Office,
Vedasanthur, Dindigul District.

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