



W.P.(MD)No.26874 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD)No.26874 of 2023
and W.M.P.(MD) No.23093 of 2023

S.Uma Maheswari

... Petitioner

Vs.

1.The District Collector,
Tenkasi District.

2.The Tahsildar,
Alangulam Taluk Office,
Tenkasi District.

3.The President,
Mayamankurichi Panchayat,
Alangulam Panchayat Union,
Tenkasi District.

4.B.Suresh

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, to call for records in impugned notice dated 19.10.2023 on the file of the 3rd respondent and quash the same as illegal.



For Petitioner : Mr.S.Kumar

For Respondents : Mr.S.Shanmugavel,
Additional Government Pleader
for R1 & R2

ORDER

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

By consent of both sides, the Writ Petition itself is taken up for final disposal at the time of admission itself. Considering the nature of the order proposed to be passed in this Writ Petition, protecting the interests of respondents 3 and 4 also, notice to respondents 3 and 4 is dispensed with.

2. The notice issued under Section 131(2) of the Tamil Nadu Panchayats Act, 1994 by proceedings dated 19.10.2023, is sought to be quashed in the present Writ Petition.

3. In this context, the said notice is to be construed as a report by the President of the Panchayat Union or the Block Development Officer concerned and such a report is to be communicated to the jurisdictional Tahsildar for the purpose of initiation of removal proceedings under the provisions of the Tamil Nadu Land Encroachment Act, 1905.



W.P.(MD)No.26874 of 2023

4. It is needless to state that the procedures contemplated under the Act is to be scrupulously followed. Thus, the third respondents is directed to submit a report regarding encroachment to the Tahsildar concerned, who in turn has to initiate appropriate actions under the provisions of the Act to remove the encroachments. Such an exercise is directed to be completed within a period of twelve weeks from the date of receipt of a copy of this order.

5. Accordingly, the Writ Petition stands disposed of. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

(S.M.S., J.) & (V.L.N., J.)
08.11.2023

NCC : Yes / No
Index : Yes / No

SJ



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W.P.(MD)No.26874 of 2023

S.M.SUBRAMANIAM, J.

AND

V.LAKSHMINARAYANAN, J.

SJ

W.P.(MD)No.26874 of 2023

08.11.2023