



W.P.(MD)Nos.29297 to 29312 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)Nos.29297 to 29312 of 2022
and W.M.P.(MD)Nos.23309 to 23314, 23316, 23318 to 23323
and 23325 to 23327 of 2022

W.P.(MD)No.29297 of 2022

Madasamy

... Petitioner

Vs.

1.The Commissioner,
Maanur Panchayat Union,
Tirunelveli District.

2.The Block Development Officer,
(Village Panchayats),
Maanur Panchayat Union,
Tirunelveli District.

... Respondents

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PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned order in the form notice passed by the 1st respondent in his proceedings Na.Ka.A2/3294/2021 dated 13.12.2022 (served on 17.12.2022) and quash the same as illegal, arbitrary and without jurisdiction.

For Petitioner : Mr.B.Saravanan

For Respondents : Mr.P.Thilak kumar,
Government Pleader.

COMMON ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

Challenging the impugned notices issued by the 1st respondent in his proceedings in Na.Ka.A2/3294/2021 dated 13.12.2022 (served on 17.12.2022), the petitioners have filed these Writ Petitions.

2. By consent of both parties, these Writ Petitions are taken up for final disposal.



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WEB COPY 3. It is the specific contention of the learned counsel for the petitioners that the impugned notices issued by the 1st respondent invoking the provisions of the Tamil Nadu Land Encroachment Act, 1905 is illegal and without jurisdiction and hence, the impugned notices are liable to be set aside.

4. The learned Government Pleader appearing for the respondents fairly submitted that the first respondent has wrongly issued the impugned notices under the provisions of the Tamil Nadu Land Encroachment Act, 1905. Therefore, fresh notices would be issued under Section 131 of the Tamil Nadu Panchayats Act, 1994 and necessary action would be taken for removal of encroachment.

5. In view of the above, the first respondent is directed to issue fresh notices to the petitioner under Section 131 of the Tamil Nadu Panchayats Act, 1994, within a period of two [2] weeks from the date of receipt of a copy of this order. On receipt of such notice, the petitioners are directed to file their explanations / objections to the same, enclosing all the relevant materials to



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substantiate their claim within the period stipulated by the first respondent. On receipt of such explanations / objections, the first respondent is directed to consider the same and pass appropriate orders on merits and in accordance with law. If there is any encroachment in the place in question, the same shall be removed by the first respondent, by following due process of law.

6. Accordingly, the impugned notices issued by 1st respondent in his proceedings in Na.Ka.A2/3294/2021 dated 13.12.2022 (served on 17.12.2022), are hereby quashed and consequently, these writ petitions are allowed. No costs. Consequently, connected miscellaneous petitions are closed.

[D.K.K., J.] [R.V., J.]

03.01.2023

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

vsm



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