



WEB COPY

W.P.(MD) No.28315 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.11.2023

CORAM:

**THE HONOURABLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD) No.28315 of 2023

and

W.M.P.(MD) No.24389 of 2023

L.Lourdusamy

... Petitioner

-VS-

1.The Tahsildar
Vedasandur Taluk
Vedasandur, Dindigul District

2.The Block Development Officer
Vedasandur Panchayat Union
Vedasandur, Dindigul District

... Respondents

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 passed by the second respondent in Na.Ka.No.887/2020/Aa6, dated 20.11.2023 and quash the same as illegal.

For Petitioner : Mr.J.Lawrance

For Respondents : Mr.T.Amjad Khan
Government Advocate



W.P.(MD) No.28315 of 2023

ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

We have heard Mr.J.Lawrance, learned counsel for the petitioner.

2. Learned counsel for the petitioner submits that a notice under Section 131 of the Tamil Nadu Panchayats Act, 1994, has been issued. The petitioner is in possession of his patta land. The authority could not have exercised the jurisdiction in respect of the patta land, *inter alia*, ought not have issued the impugned notice.

3. We have also heard Mr.T.Amjad Khan, learned Government Advocate, for the respondents.

4. If a notice under Section 131 of the Tamil Nadu Panchayats Act, 1994 has been issued and the encroachment has not been removed, the authority has to adopt the procedures as contemplated under Sections 7 and 6 of the Tamil Nadu Land Encroachment Act, 1905.



W.P.(MD) No.28315 of 2023

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5. Learned Government Advocate appearing for the respondents submits that the competent authority would issue notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905.

6. In the light of that, naturally, on the basis of the impugned notice, no demolition would take place. In case, the authority issues notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, the petitioner will have every opportunity to file an explanation along with all the relevant documents, which will be considered by the authority, under Section 6 of the Tamil Nadu Land Encroachment Act.

7. With the above observation, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[S.V.G., .C.J.]

[L.V.G., J.]

30.11.2023

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

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Vedasandur, Dindigul District.



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W.P.(MD) No.28315 of 2023

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L.VICTORIA GOWRI, J.

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