



W.P.(MD)No.30504 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 20.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD)No.30504 of 2023

and

W.M.P.(MD)No.26240 of 2023

Tamilarasan

Vs.

... Petitioner

1.The District Collector,
Thoothukudi District, Thoothukudi.

2.The Tahsildar,
Taluk Office, Eral Taluk,
Thoothukudi District.

3.The Block Development Officer,
Alwarthirunagari Panchayat Union Office,
Thenthiruperai, Eral Taluk,
Thoothukudi District.

4.The President,
Panchayat Union,
Angamangalam Panchayat,
Alwarthirunagari Panchayat Union,
Thoothukudi District.

...Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned notice dated 04.12.2023 issued by the 4th respondent and quash the same as illegal and consequently, dispose of the petitioner's appeal dated 08.12.2023 filed under Section 202 of Tamil Nadu Panchayats Act, 1994 on the file of the 1st respondent.

For Petitioner : Mr.S.Mandhiralingeswaran
For R1 & R2 : Mr.S.Shanmugavel,
Additional Government Pleader
For R3 & R4 : Mr.S.P.Maharajan,
Special Government Pleader

ORDER

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

The proceedings dated 04.12.2023 issued by the Panchayat President, Angamangalam Panchayat / 4th respondent for removal of the encroachment is under challenge in the present Writ Petition.

2.The order of the 4th respondent is to be construed as a report, which is to be communicated to the 2nd respondent through the 3rd respondent, who in turn shall initiate proceedings under the provisions of the Tamil Nadu Land



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Encroachment Act, 1905. Thus, we are inclined to convert the impugned order of the 4th respondent as a report, which is to be communicated to the 2nd respondent through the 3rd respondent. The 2nd respondent is directed to follow the procedures as contemplated under the Tamil Nadu Land Encroachment Act, 1905 and complete the removal proceedings, if any encroachments are identified, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

3.With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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

20.12.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

Yuva

To

1.The District Collector,
Thoothukudi District, Thoothukudi.

2.The Tahsildar,
Taluk Office, Eral Taluk,
Thoothukudi District.

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AND

V.LAKSHMINARAYANAN, J.

Yuva

3.The Block Development Officer,
Alwarthirunagari Panchayat Union Office,
Thenthiruperai, Eral Taluk,
Thoothukudi District.

4.The President,
Panchayat Union,
Angamangalam Panchayat,
Alwarthirunagari Panchayat Union,
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