



W.P.No.6334 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2024

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.6334 of 2024

C.Annadurai

.. Petitioner

Vs.

1. The District Collector
Kallakurichi District.

2. The Panchayat President
Eliyathur Village, Chinnasalem Taluk
Kallakurichi District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus, calling for the records of the impugned notice Na.Ka.No.Aa1/3089/2023 dated 8.12.2023 issued by the 2nd respondent under Section 6 of Land Encroachment Act 1905 and quash the same consequently not to put Road upon the Stream (Water Body) by the 2nd respondent in Survey No.87/1 Eliyathur Village, ChinnaSalem Taluk, Kallakurichi District.



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For the Petitioner : Mr.S.Ramajayam
For the Respondents : Mr.T.K.Saravanan
Government Advocate

ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.S.Ramajayam, learned counsel for the petitioner and
Mr.T.K.Saravanan, learned Government Advocate for the respondents.

2. The petitioner is challenging the order of eviction passed under Section 6 of the Tamil Nadu Land Encroachment Act, 1905.

3. Amongst the other submissions, one of the submissions is that the order is passed by an unauthorized person, i.e., the Panchayat President.

4. It has been held time and again by this Court that the action under the provisions of the Tamil Nadu Land Encroachment Act, 1905 has to be taken by an appropriate authority and the Panchayat President is not the appropriate authority in respect of the Government land or street.



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5. In the light of that, the impugned order is quashed and set aside. The present order would not preclude the competent authority from initiating proceedings for removal of encroachment, if any, in accordance with law.

6. The writ petition, accordingly, stands disposed of. There shall be no order as to costs. Consequently, W.M.P.Nos.7040 and 7042 of 2024 are closed.

(S.V.G., CJ.)

(D.B.C., J.)

12.03.2024

Index : Yes/No
Neutral Citation : Yes/No

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To

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(drm)

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