



WEB COPY



W.P.No.7173 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR. JUSTICE K.RAJASEKAR

W.P.No.7173 of 2020
and
W.M.P.Nos.8568 & 8569 of 2020

Ravikumar

... Petitioner

Vs.

1. District Collector,
Thiruvallur District,
Thiruvallur.

2. Revenue Divisional Officer,
Master Plan Complex, NH 205,
Chennai to Thiruttani High Way,
Thiruvallur District.

3. Tashildar,
Tashildar office, JN Road,
NH 716, Thiruvallur District.

4. Regional Development Officer,
Kadambathur,
Thiruvallur District.

... Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent herein in his impugned order



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Na.Ka.411/2020/A2 dated 26.02.2020 and quash the same as illegal and direction the 2nd respondent from putting up any kind of infrastructure to lay down the road in the agricultural premises in Pudhumavilangai Village until completion of harvesting.

For Petitioner : Mr.D.Prasanna Kumar

For Respondents : Mr.A.Selvendran,
Special Government Pleader,
(for R1 to R4);

ORDER

(Order of the Court was delivered by S.M.Subramaniam J.)

The order passed by the Revenue Divisional Officer, in proceeding dated 26.02.2020, is sought to be quashed in the present writ petition.

2. The Revenue Divisional Officer, Thiruvallur, identified encroachments on Cart Track and Government Poramboke. Through impugned order, he has directed the Block Development Officer to remove the encroachments and provide road on the cart track. The petitioner submits that Block Development Officer is incompetent to issue notice either under the Local Bodies Act or under the Land Encroachment Act.



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3. The Revenue Divisional Officer clarifies that the Block Development Officer has to remove the encroachments along with Tahsildar. The Tahsildar is the competent authority under the Land Encroachment Act, 1905, to remove the encroachments. Thus, the jurisdictional Tahsildar is directed to issue notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, and afford opportunity to the encroachers. Thereafter, an order under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, is to be passed and the identified encroachments are to be removed thereafter. Respondents are directed to complete the exercise and remove all the encroachments within a period of 12 weeks from the date of receipt of a copy of this order.

4. With these directions, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S.J.,)

(K.R.S.J.,)

19.03.2024

Index : Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

(sha)



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S.M.SUBRAMANIAM, J.

and

K.RAJASEKAR, J.

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