



WEB COPY



W.P.No.8292 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.8292 of 2020
and
W.M.P.Nos.9935 & 9936 of 2020

K.Elumalai

... Petitioner

Vs.

1. The District Collector,
Villupuram District.

2. The Tahsildar,
Gingee Taluk,
Villupuram District.

3. The Block Development Officer,
Panchayat Union, Gingee.

4. S.Murugan

... Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the entire records pertaining to the impugned notice in Na.Ka.No.A1/ 2702 / 2018 dated 1.6.2020 passed by the 3rd respondent and quash the same.



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For Petitioner : Mr.K.Balaganesh

For Respondents : Mr.A.Selvendran,
Special Government Pleader,
(for R1 to R3);

ORDER

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

The interdepartmental communication between the Block Development Officer and the Tahsildar, in proceeding dated 01.06.2020, is under challenge in the present writ proceedings.

2. Such interdepartmental communication would provide no cause for the petitioner to institute the writ proceedings. However, perusal of the communication reveals that action was initiated to remove the encroachments. The Block Development Officer is an incompetent authority to remove the encroachments, however, he is empowered to submit a report to the jurisdictional Tahsildar for initiation of action under the relevant statute and to remove the encroachments.

3. Thus, the impugned communication dated 01.06.2020 is to be construed as a report submitted by the Block Development Officer, Gingee and the Block Development Officer is directed to communicate the



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present status of the encroachment to the Tahsildar Gingee, who in turn is directed to initiate all appropriate actions to removed the encroachments by following procedures as contemplated under the Act and Rules in force. The said exercise is directed to be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.

4. With these directions, the writ petition stands disposed of. 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)

To

1. The District Collector,
Villupuram District.

2. The Tahsildar,
Gingee Taluk,
Villupuram District.

3. The Block Development Officer,
Panchayat Union, Gingee.



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S.M.SUBRAMANIAM, J.

and

K.RAJASEKAR, J.

(sha)

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