



W.P.No.19055 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2024

CORAM

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

W.P.No.19055 of 2019
and
W.M.P.No.18420 of 2019

1. R.Velmurugan

2. R.Gunasekaran

... Petitioners

Vs.

Block Development Officer,
Elachipalayam Union,
Nammakkal District.

... Respondent

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorari, calling for the records pertaining to the impugned order having reference Na.Ka.No.4818/2018/T1, dated 30/05/2019 on the file of the respondent and quash the same.

For Petitioners : Mr.E.P.Senniyangiri

For Respondent : Mr.A.Selvendran,
Special Government Pleader



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ORDER

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

Notice issued under the District Municipalities Act, for removal of encroachment, is under challenge in the present writ proceedings.

2. It is not in dispute that the subject land has been classified as “Grama Natham”. The petitioner has been identified as an encroacher in respect of the said land. Thus, the Block Development Officer issued a notice for removal of encroachment.

3. The Block Development Officer (B.D.O.) is not a competent authority to remove the encroachments under the Act. Thus, the B.D.O. has to submit a report regarding encroachment to the jurisdictional Tahsildar, who in turn shall initiate action for removal of encroachment by issuing notice and passing orders under the Tamil Nadu Land Encroachment Act 1905.

4. The Tahsildar is directed to issue an appropriate notice under Section 7, and on receipt of any objections from the encroachers, pass orders under Section 6, and thereafter proceed with the removal of



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encroachments without causing any undue delay. The entire exercise is directed to be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.

5. Accordingly, the writ petition stands disposed off. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(S.M.S.J.,)

(K.R.S.J.,)

21.02.2024

Index : Yes/No

Internet: Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

(sha)

To

Block Development Officer,
Elachipalayam Union,
Nammakkal District.



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S.M.SUBRAMANIAM, J.

and

K.RAJASEKAR, J.

(sha)

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