



W.P.No.23721 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.08.2024

CORAM :

THE HON'BLE MR.D.KRISHNAKUMAR, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.No.23721 of 2024

1. K.RAMASAMY
2. SELVARAJ
3. CHOCKALINGAM

.. Petitioners

Vs

1. THE DISTRICT COLLECTOR/CHAIRMAN
DISTRICT RURAL DEVELOPMENT AGENCY,
DISTRICT COLLECTORATE OFFICE,
NAMAKKAL-637 003.
2. THE REVENUE DIVISIONAL OFFICER
THILLAIPURAM, NAMAKKAL-637 001.
3. THE TAHSILDAR
RASIPURAM
NAMAKKAL-637 408.
4. THE ASSISTANT DIRECTOR OF PANCHAYAT
PARAMATHI ROAD, NAMKKAL-637 001
5. THE BLOCK DEVELOPMENT OFFICER
VENNANDUR BLOCK,
NAMAKKAL DISTRICT-637 505.
6. THE ADMINISTRATIVE OFFICER
VENANDUR-637 505.



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7. J.RAJA

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari calling upon the impugned order passed by the 1st respondent in Na.Ka.41758-2023-L5, dated 10.07.2024 and quash the same.

For the Petitioners : Mr.M.Rajasekar

For the Respondents : Mr.K.Karthik Jagannath
Government Advocate
for respondents 1 to 6

ORDER

(Order of the Court was made
by the Hon'ble Acting Chief Justice)

Calling in question the proceedings of the first respondent dated 10.7.2024 directing the fourth respondent to take necessary action to remove the encroachments put up by the petitioners herein in compliance of the order dated 24.2.2023 passed in W.P.No.5498 of 2023, the present writ petition is filed.

2. The main plank of the contention raised by learned counsel for the petitioners is that the petitioners were



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incognizant of the entire proceedings and, in fact, a copy of the impugned order was furnished by the fourth respondent only on 7.8.2024. It is further submitted that the petitioners are in occupation of the land in question for over 70 years without any interruption and, therefore, directing their eviction all of a sudden without affording any opportunity of hearing or following due process of law is in gross violation of the elementary principles of natural justice.

3. Learned Government Advocate fairly submitted that in order to comply with the earlier order passed by this court, referred supra, action has been taken by the respondent authorities and he submits that the respondents shall follow due process of law as contemplated under the Tamil Nadu Land Encroachment Act, 1905 and remove the encroachments.

4. A perusal of the order dated 24.2.2023 passed in W.P.No.5498 of 2023 makes it evincible that the authorities



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were directed to remove the encroachments after giving notice to the encroachers within eight weeks from the date of receipt of a copy of the said order. It is unfortunate that, even at this belated stage, after lapse of almost one year and six months, the respondent authorities have not taken earnest steps to comply with the said order after giving notice to the encroachers, but have only sent a communication to the fourth respondent to take steps to evict the petitioners. The respondents authorities are bound to comply with the directions issued by this court *stricto sensu*.

5. Considering the overall conspectus of the matter and the fair submission made by learned Government Advocate, we dispose of the writ petition with a direction to the respondent authorities to proceed with the removal of the encroachments put up by the petitioners only after following the procedure contemplated under the Tamil Nadu Land Encroachment Act, 1905.



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There shall be no order as to costs. Consequently,
W.M.P.Nos.25956 and 25959 of 2024 are closed.

(D.K.K., ACJ.) (P.B.B, J.)
14.08.2024

Index : No
NC : No
sasi

To:

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THE HON'BLE ACTING CHIEF JUSTICE
AND
P.B.BALAJI, J.

(sasi)

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