



W.P. NO. 39737 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.12.2024

CORAM

THE HON'BLE MR. JUSTICE S.M. SUBRAMANIAM

AND

THE HON'BLE MR. JUSTICE V. LAKSHMINARAYANAN

W.P. No. 39737 of 2024

&

W.M.P. No. 43028 of 2024

L. Palani

..Petitioner

Vs.

1. The Block Development Officer,
Chetpet Panchayat Union,
Chetpet, Tiruvannamalai District,
Pin: 606 801.

2. The Tahsildar,
Polur Taluk Officer,
Polur, Tiruvannamalai District.
Pin 606 803.

..Respondents



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Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Certiorari to call for the records pertaining to the impugned order dated 23.09.2024 made in Na.Ka. A3/1234/2023 by the 1st respondent herein and quash the same insofar as the petitioner is concerned.

For Petitioner :: Mr.N. Mariappan

For Respondents :: Ms.S. Anitha,
Spl. Govt. Pleader
O R D E R

(Made by V. LAKSHMINARAYANAN,J.)

The petitioner challenges the proceedings of the Block Development Officer, Chetpet Panchayat Union, Chetpet, Tiruvannamalai District/1st respondent herein dated 23.09.2024 in Na.Ka. A3/1234/2023.

2. The petitioner claims to be a permanent resident of Vilapakkam Village, Polur Taluk, Tiruvannamalai District. He was visited with a notice dated 06.02.2024 under Section 7 of Land Encroachment Act, 1905 stating that he has encroached upon Government land in Survey No. 227/1, 285/4 and 274/2 of the aforesaid village. In response to the notice under Section 7



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of the said Act, he appeared in person before the 1st respondent and explained that he has not encroached upon any Government property comprised in the aforesaid survey numbers. He claimed that the property has come down to him through his paternal grandmother by name Late Tmt. R.Ponniammal. Thereafter, he also engaged a lawyer and issued legal notice dated 25.03.2024. However, the Block Development Officer, not being satisfied with the response, has passed the order impugned in the writ petition.

3. The point urged by the writ petitioner is that the Block Development Officer is not authorised under the aforesaid Act to initiate proceedings and the authority, who has jurisdiction is the 2nd respondent, namely, Tahsildar, Polur Taluk, Tiruvannamalai District. On this ground, the petitioner challenges the impugned notice.

4. Ms.S. Anitha, learned Special Government Pleader takes notice for the respondents.

5. As per the provisions of the aforesaid Act, eviction proceedings have to be initiated by the jurisdictional Tahsildar. The Block Development Officer is not an authorised officer in terms of the provisions of the Act.



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However, he is entitled to identify the encroachments and send a report with regard to the same to the Tahsildar, who, in turn can initiate appropriate proceedings. The 1st respondent shall transfer the files relating to this writ petitioner to the Tahsildar, Polur Taluk, Tiruvannamalai District. The 2nd respondent shall thereafter, in case, he comes to the conclusion that there is an encroachment, shall initiate proceedings under the Land Encroachment Act, 1905.

6. With the above observations, the writ petition stands disposed of. No costs. Connected W.M.P. is closed.

nv

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(S.M.S.J.) (V.L.N.J.)

To

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Pin: 606 801.
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