



W.P.(MD) No.2021 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P.(MD) No.2021 of 2024
and W.M.P.(MD) Nos.2024 and 2025 of 2024**

Jose

... Petitioner

-vs-

1.The District Collector,
Collectorate,
Kanyakumari District.

2.The President,
Mullankinavilai Village Panchayat,
Mullankinavilai,
Kanyakumari District.

3.The Tahsildar,
Killiyoor Taluk,
Kanyakumari District.

4.The Commissioner,
Killiyoor Union,
Kanyakumari District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the



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2nd respondent pertaining to its impugned notice dated Nil and to quash the same and consequently direct the respondents not to interfere with the peaceful possession and enjoyment of the 550 Sq.ft house of the petitioner bearing Door No.1/152B situated in Survey No.89A and New Survey No.188/20A3 of Mullankinavilai Village, Killiyoor Taluk admeasuring 2 cent 614 square links.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.T.Amjadkhan,
Government Advocate for R1 and R3

Mr.N.Satheesh Kumar
Additional Government Pleader for R2 & R4

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

The Writ Petition has been filed challenging the impugned notice issued by the 2nd respondent and consequently, to direct the respondents not to interfere with the peaceful possession and enjoyment of the 550 Sq.ft house of the petitioner bearing Door No.1/152B situated in Survey No.89A and New Survey No.188/20A3 of Mullankinavilai Village, Killiyoor, Taluk admeasuring 2 cent 614 square links.

2. By consent of both sides, the Writ Petition is taken up for final disposal at the time of admission itself.



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3. According to the petitioner, the impugned order is bereft of particulars and therefore, the same is liable to be set aside.

4. We have carefully gone through the impugned notice issued by the 2nd respondent. In the impugned notice no details or particulars of encroachment has been shown. Therefore, the 2nd respondent without properly considering Section 131 of Tamil Nadu Panchayats Act, 1994 has issued the notice.

5. Since the impugned notice has been issued without necessary particulars and without considering the provisions of Tamil Nadu Panchayats Act, 1994, we are inclined to set aside the same. Accordingly, the Writ Petition is allowed and the impugned notice issued by the second respondent is set aside. However, the 2nd respondent is at liberty to proceed in accordance with law and as per the procedures contemplated under the Tamil Nadu Panchayats Act, 1994. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

[D.K.K., J.] [R.V., J.]
01.02.2024

Index : Yes / No
Internet : Yes / No
SJ



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D.KRISHNAKUMAR, J.
and
R.VIJAYAKUMAR, J.

SJ

To

- 1.The District Collector,
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