



W.P.(MD) No.3613 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.02.2024

CORAM:

THE HONOURABLE **MR.JUSTICE D.KRISHNAKUMAR**

AND

THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

W.P.(MD)No.3613 of 2024

and

W.M.P.(MD)No.3559 of 2024

Devi

... Petitioner

-Vs-

1.The District Collector,
Ramanathapuram District.

2.The Sub Collector,
Paramakudi, Ramanathapuram District.

3.The Tahsildar,
Kamuthi Taluk, Ramanathapuram District.

4.The Executive Officer,
Abiramam Town Panchayat,
Ramanathapuram District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the 4th respondent dated 21.12.2023 in Na.Ka.No.A2/233/2023 and quash the same as arbitrary, illegal and without any legal basis.



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For Petitioner : Mr.M.Karunanithi
For Respondents : Mr.T.Amjadkhan,
Government Advocate

ORDER

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

The eviction notice dated 21.12.2023 issued by the 4th respondent under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, is under challenge in this Writ Petition.

2.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.According to the petitioner, the revenue officials are only the competent authority to issue eviction notice and therefore, the impugned notice is *per se* illegal and without jurisdiction.

4.Mr.T.Amjadkhan, learned Government Advocate, who takes notice for the respondents, cannot have any dispute for the said fact that the Panchayat has no jurisdiction to issue the eviction notice under the Tamil Nadu Land Encroachment Act, 1905.



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5. In the light of the above, since the 4th respondent has no jurisdiction to issue the eviction notice under the Tamil Nadu Land Encroachment Act, 1905, the impugned order dated 21.12.2023 is liable to be set aside, accordingly, it is set aside. This Writ Petition is allowed with liberty to the competent authority to proceed with the removal of encroachment in the manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

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

16.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

Yuva

To

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Ramanathapuram District.
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