



W.P.(MD) No.4446 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.4446 of 2024

and

W.M.P.(MD)Nos.4271 & 4272 of 2024

Thangappan

... Petitioner

-Vs-

- 1.The District Collector,
Office of the District Collector,
Trichy District.
- 2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Srirangam Taluk, Trichy District.
- 3.The Tahsildar,
Office of the Tahsildar,
Srirangam Taluk,
Trichy District.
- 4.The Block Development Officer,
Office of the Block Development Officer,
Anthanalur, Trichy District.



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5.The Village Administration Officer,
Office of the Village Administrative Officer,
Muthirasanallur, Trichy District.

6.The Panchayat President,
Office of the Panchayat President,
Muthirasanallur Panchayat,
Srirangam Taluk,
Trichy District.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records connected with the impugned notice issued by the respondent No.6 under Section 6 of the Chennaipattinam 1905 Act 3 Nil dated and quash the same as illegal.

For Petitioner : Mr.R.Alagumani
For R1 to R3 & R5: Mr.J.Ashok
Additional Government Pleader
For R4 & R6 : Mr.T.Amjad Khan
Government Advocate

ORDER

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

Challenging the show cause notice issued under the Chennaipattinam 1905 Act III directing the petitioner to remove the encroachments made in the Government land, the petitioner has filed this petition.



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2.Mr.J.Ashok, learned Additional Government Pleader takes notice for the respondents 1 to 3 and 5 and Mr.T.Amjadkhan, learned Government Advocate takes notice fro the fourth and sixth respondents. By consent of both parties, this writ petition is taken up for final disposal.

3.The learned counsel for the petitioner submits that the property in Survey No.125/2A measuring an extent of 5 cents at MGR Nagar, Muthirasanallur belongs to the petitioner. Patta also stands in his name. He had built up a residential house in the said property. He has been paying the property tax regularly. While that being so, the seventh respondent, who has no power, had issued an eviction notice as if the petitioner has encroached upon the said land, without issuing any proper notice to the petitioner and without providing an opportunity of hearing to the petitioner, in violation of principles of natural justice. Further, under Section 6 of the Land Encroachment Act, the revenue officials are empowered to issue eviction notice and the sixth respondent has no power to issue such notice. Hence, challenging the eviction notice issued by the sixth respondent herein, the petitioner has filed the present writ petition.



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4.The learned Government Advocate appearing for the fourth and sixth respondents fairly concedes that the sixth respondent has no power to issue the said notice. Under the provisions of the Land Encroachment Act, the Revenue Officials are the competent authority to issue the eviction notice.

5.In view of the above submission, this Court has no hesitation to set aside the proceedings initiated by the sixth respondent. Accordingly, the notice issued by the sixth respondent dated Nil is hereby quashed and this writ petition is allowed. The official respondents are at liberty to proceed with the removal of encroachment under the provisions of the Act. No costs. Consequently, connected miscellaneous petitions are closed.

[D.K.K., J.] & [R.V., J.]
27.02.2024

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