



WP(MD). No.11285 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 22/05/2024

CORAM

THE HON'BLE Ms.JUSTICE R.N.MANJULA

and

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

WP(MD). No.11285 of 2024

and

WMP(MD). No.10031 of 2024

C.Arumugam

... Petitioner

Vs

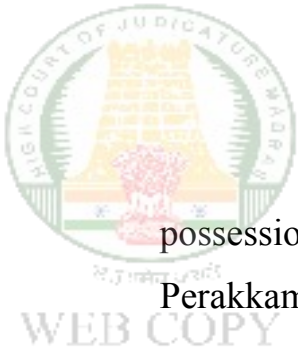
**1.The District Collector,
Karur District,
Karur.**

**2.The Thasildar,
Pugalur Taluk,
Karur District.**

**3.The President,
Manjanur Panchayat,
K.Paramathi, Pugalur Taluk,
Karur District.**

... Respondents

PRAYER :- Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, calling for the records of the third respondent notice dated 16.05.2024 and quash the same as illegal and consequently forbear the respondents from interfering with the peaceful



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possession and enjoyment of the house of the petitioner situated in Perakkampalayam Village, Thennilai West, Karur District.

For Petitioner : M/s.J.Madhu

For Respondents : Mr.D.Gandhiraj,
Special Government Pleader

ORDER

(Order of the Court was made by R.N.MANJULA, J)

Heard M/s.J.Madhu, learned counsel for the petitioner, Mr.D.Gandhiraj, learned Special Government Pleader for the respondents.

2. This writ petition has been filed challenging the impugned notice issued by the third respondent, dated 16.05.2024, directing the petitioner to remove the encroachment alleged to have been made by him in the land in question.

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

4. The learned counsel for the petitioner submitted that the impugned notice has been issued by the President of Manjanur Panchayat, who lacks



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competence to issue notice for eviction under the Tamil Nadu Land Encroachments Act, 1905 and hence, it is liable to be set aside.

5. The learned Special Government Pleader submitted that in pursuant to the direction issued by this Court in an earlier writ petition filed by one C.Kuppusamy in W.P(MD)No.3729 of 2024, the impugned notice has been issued by the third respondent.

6. However, the petitioner claims that before issuing the impugned notice, no opportunity was given to the petitioner.

7. As per Section 131 of the Tamil Nadu Panchayats Act, 1994, if the President of the Panchayat comes to know about any encroachment of the Government Land, he is duty bound to report the encroachment to the Executive Authority or the Commissioner concerned and to the Officer of the Revenue Department for taking appropriate action.

8. As per Section 7 of the Tamil Nadu Land Encroachments Act, 1905, prior show-cause notice has to be given by the appropriate authority contemplated therein. The third respondent is not the competent authority to



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issue neither the notice nor the eviction order as per Sections 7 and 6 of the Tamil Nadu Land Encroachments Act, 1905. Since the impugned notice has been issued by the authority who does not have jurisdiction and the eviction proceedings had been initiated without giving any opportunity to the petitioner, the impugned notice is liable to be set aside.

9. In the result, this writ petition is **allowed** and the impugned notice issued by the third respondent dated 16.05.2024, is hereby set aside. The respondents shall consider the case of the petitioner and pass appropriate orders in accordance with law, after providing opportunity to him. No costs. Consequently connected Miscellaneous Petition is closed.

(R.N.M, J.) (C.K.,J.)
22.05.2024

NCC : Yes/No
Index : Yes/No

PM



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