



W.P(MD)No.21423 of 2018

WEB COPY 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.21423 of 2018
and
W.M.P(MD)No.19295 of 2018**

K.Vijayan

... Petitioner

VS.

1.The District Collector,
District Collectorate,
Ramanathapuram,
Ramanathapuram District.

2.The Tahsildar,
Keelakarai Taluk,
Ramanathapuram District.

3.The Special Officer,
Kanchirankudi Panchayat,
Thiruppullani Panchayat Union,
Ramanathapuram District.

4.N.Ramachandran

... Respondents

(R – 4 is impleaded vide order dated 27.02.2024
in W.M.P(MD)No.20632 of 2018)



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WEB C **PRAYER :** Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the records pertaining to the impugned eviction notice in Na.Ka.No.T4/358/18, dated 26.09.2018 on the file of the third respondent and quash the same as illegal.

For Petitioner : Mr.B.Brijesh Kishore

For Respondent Nos.1 & 2 : Mr.V.Nirmal Kumar
Government Advocate

For Respondent No.3 : Mr.PT.S.Narendravasan

ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

The petitioner has filed the present Writ Petition, to quash the impugned eviction notice, dated 26.09.2018 issued by the third respondent.

2.The learned counsel appearing for the petitioner would submit that the third respondent has no jurisdiction to issue the impugned notice, dated 26.09.2018, since the subject property in question is classified as Government poramboke land and therefore, the same is liable to be quashed.



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3.The learned counsel appearing for the third respondent would submit that the petitioner has encroached upon the public pathway in the Government poramboke land in Survey Nos.504/27 and 504/2.

4.The learned Special Government Pleader appearing for the respondents 1 and 2 also reiterated that the subject property in question has been encroached by the petitioner and the same will be removed by the authority concerned in accordance with law.

5.On a careful perusal of the impugned notice, dated 26.09.2018 issued by the third respondent, it is seen that the subject property in question is in Government poramboke land. Hence, the third respondent is not the competent authority to issue the impugned notice and the revenue authority is the competent authority to issue the impugned notice. Hence, the impugned order, dated 26.09.2018 issued by the third respondent is quashed. However, the Tahsildar, who is the competent authority, is directed to initiate action for removal of encroachment in the subject property in question in accordance with law at an earliest, after providing opportunity to all the parties concerned. Such an exercise shall be



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completed within a period of twelve weeks from the date of receipt of a copy of this order.

6.With the above direction, this Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K.,J.] [R.V.,J.]
27.02.2024
(1/2)

NCC : Yes / No
Index : Yes / No
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To

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

ps

ORDER MADE IN
W.P(MD)No.21423 of 2018

DATED : 27.02.2024
(1/2)