



W.P(MD)No.17555 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

**W.P(MD)No.17555 of 2024
and
W.M.P(MD)No.15098 of 2024**

G.Annadurai

... Petitioner

VS.

1.The District Collector,
Karur.

2.The Block Development Officer,
Village Panchayats,
Krishnarayapuram,
Karur.

... Respondents

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 notice passed by the second respondent in Na.Ka.No.A3/2925/2023, dated 05.07.2024 and quash the same.



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For Petitioner : Mr.G.M.Xavier

For Respondents : Mr.A.Kannan
Additional Government Pleader
for R.1

: Mr.N.Satheesh Kumar
Additional Government Pleader
for R.2

ORDER

(Order of the Court was made by R.SURESH KUMAR, J.)

The prayer sought for herein in this Writ Petition is to quash the impugned notice issued by the second respondent in Na.Ka.No.A3/2925/2023, dated 05.07.2024.

2.The second respondent has given a notice under Section 131(2) and 222 of the Tamil Nadu Panchayats Act, 1994, to the petitioner to remove the encroachment which he has made and put up a shop at Survey Nos.294/2 and 296/3 to an extent of 0.00.44 ares, which is under challenge in this Writ Petition.



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3.Heard Mr.G.M.Xavier, learned counsel appearing for the petitioner, who would submit that as per the earlier order passed by this Court, before taking any drastic decision for removal of encroachment, notice to be given to give time for the petitioner to give explanation, however, without giving any such notice, since the order straightaway has been issued giving 15 days time to the petitioner to remove such encroachment, on that ground he is challenging the same, he submitted.

4.Heard Mr.A.Kannan, learned Additional Government Pleader appearing for the first respondent and Mr.N.Satheesh Kumar, learned Additional Government Pleader appearing for the second respondent, who would submit that already notice had been given and even in this notice 15 days time had been given within which if he wants to give any explanation can give to the satisfaction of the respondents, otherwise after the expiry of 15 days only such an action would be taken against the petitioner for removal of such encroachment.

5.Heard the learned counsel appearing for both sides and having perused the materials placed before this Court, we deem it appropriate to dispose of this Writ Petition with the following orders:



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'(i) That the present order, dated 05.07.2024 shall be treated as a notice, where it is open to the petitioner to give his explanation within 15 days from today, failing which, it is open to the respondents to proceed with the action to remove such encroachment, on the completion of 15 days notice.

(ii) Within 15 days, if any reply is given by the petitioner that shall also be considered and accordingly, they shall act upon, if they decide to remove such encroachment.

(iii) It is made clear that even before this Court it is not the stand of the petitioner that it is their land. It is the fair submission on the part of the learned counsel appearing for the petitioner that the land belongs to the second respondent Panchayat Union/Panchayat, where a small portion alone he has encroached upon.



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(iv) When that being the admitted factor, even the procedure to give notice even though to be considered as an empty formality, in order to comply with the same such a direction is given by this Court in this order, whereby the aforesaid compliance shall be completed by the respondents and accordingly, they can act upon.

6. With these observations and directions, this Writ Petition is disposed of. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

[R.S.K.,J.] [G.A.M.,J.]
29.07.2024

NCC : Yes / No

Index : Yes / No

Note: Issue Order Copy on 30.07.2024.

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To

1. The District Collector, Karur.

2. The Block Development Officer,
Village Panchayats, Krishnarayapuram,
Karur.

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R.SURESH KUMAR,J.
and
G.ARUL MURUGAN,J.

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ORDER MADE IN
W.P(MD)No.17555 of 2024

DATED : 29.07.2024