



W.P.(MD) No.19553 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.08.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD) No.19553 of 2024
and
W.M.P.(MD)No.16584 of 2024**

D.Umasakthi

... Petitioner

-VS-

- 1.The District Collector,
Office of the District Collector,
Virudhunagar District.
- 2.The Block Development Officer,
Sivakasi Panchayat Union,
Virudhunagar District.
- 3.The Tahsildar,
Office of the Tahsildar,
Sivakasi, Virudhunagar District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned notice issued by the second respondent in his proceedings Na.Ka.P5/3887/2021, dated 09.07.2024 and to quash the same and consequentially directing the respondents, their men and agents not to interfere with the peaceful possession and enjoyment of the petitioner.

For Petitioner

: Mr.P.Jeesi Jeeva Priya

For Respondents

: Mr.S.P.Maharajan

Special Government Pleader



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ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

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Mr.S.P.Maharajan, learned Special Government Pleader takes notice for the respondents. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

2.The order impugned in this Writ Petition is clearly beyond the powers of Block Development Officer. Though the learned Special Government Pleader would submit that he had only required the petitioner to remove the encroachment and he had informed her that action under the relevant Encroachment Laws will be taken, if the petitioner does not remove the encroachment, the tone and tenor of the letter impugned in the Writ Petition is not as suggested by the learned Special Government Pleader. The undated communication issued under the signature of Block Development Officer, Village Panchayat, Sivakasi, actually carries a threat to the petitioner to vacate or to remove the alleged encroachments, failing which, the same will be removed with the help of the police and the revenue.

3.This Court has repeatedly pointed out that Section 131 of the Tamil Nadu Panchayats Act, 1994, does not enable either the Block Development Officer or the Panchayat President to remove the encroachment. They were only required to issue notice and if the encroachment is not removed, seek the revenue authorities to remove the encroachments. Despite repeated



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judgments of this Court, we find that the Block Development Officers and the Panchayat Presidents are indulging in issuing threats to the alleged encroachers, which is against law.

4.We therefore, allow the Writ Petition and the impugned communication is quashed, leaving it open to the revenue authorities to take appropriate action as provided under law. We caution the respondents that any such abuse by the Block Development Officer or the Panchayat President in future will be viewed very seriously, resulting in even imposition of heavy costs on the Officers concerned. The learned Government Pleader is directed to address a proper communication to the District Collector under the jurisdiction of this Bench to ensure that such orders are not passed, which enable the petitioners to get stay order or buy more time from this Court.

5.The Writ Petition is disposed of with the above observation. No costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

14.08.2024

NCC : No
Index : No
Internet : Yes
Mrn



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R.SUBRAMANIAN, J.
and
L.VICTORIA GOWRI, J.

Mrn

To

- 1.The District Collector,
Office of the District Collector,
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