



W.P(MD)Nos.3458 and 3816 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)Nos.3458 and 3816 of 2018

and

W.M.P(MD)Nos.3946, 3947 and 3607 of 2018

W.P(MD)No.3458 of 2018:

A.Gopalakrishnan

... Petitioner

vs.

1.The District Collector,
Trichy.

2.The Tahsildar,
Manachanallur Post and Taluk,
Trichy District.

3.The Executive Officer,
S.Kannanur Town Panchayat,
S.Kannanur Post,
Manachanallur Taluk,
Trichy District.

... 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 of the impugned notice issued by the third respondent in Na.Ka.No.306/2011/A1 dated 13.02.2018 and quash the same as illegal and arbitrary.



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For Petitioner : Mr.P.Ganapathi Subramanian
For R-1 to R-3 : Mr.S.P.Maharajan,
Special Government Pleader

W.P(MD)No.3816 of 2018:

R.Chandrasekar ... Petitioner

vs.

- 1.The District Collector,
Trichirappalli.
- 2.The Tahsildar,
Manachanallur Taluk,
Trichirappalli District.
- 3.The Executive Officer,
S.Kannanur Town Panchayat,
S.Kannanur Post,
Manachanallur Taluk,
Trichirappalli District.

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PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari calling for the records of the impugned notice issued by the third respondent in Na.Ka.No.306/2011/A1 dated 13.02.2018 and quash the same as illegal and arbitrary.

For Petitioner : Mr.N.Shanmugavel
For R-1 to R-3 : Mr.S.P.Maharajan,
Special Government Pleader



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COMMON ORDER

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

The petitioners have filed these writ petitions challenging the impugned notices issued by the third respondent, dated 13.02.2018.

2. According to the petitioners, the impugned notices have been issued asking the petitioners to remove the encroachments alleged to have been made by them in the land in question. The grievance of the petitioners is that no opportunity has been granted to the petitioners, before issuing the impugned notice.

3. The further case of the petitioners is that the property in question is classified as 'Natham Land'. If it is a Natham Land, the third respondent has no jurisdiction to issue the impugned notices and therefore, the same is liable to be set aside.

4. In view of the above, we are not inclined to go into the other grounds raised in the writ petition and only on the ground of lack of jurisdiction, we are inclined to interfere with the impugned notices issued by the third respondent.

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5. In the result, the impugned notices issued by the third respondent, dated 13.02.2018, are set aside and the writ petitions are allowed. It is for the Revenue Officials to proceed further for removal of encroachment if any, on merits and in accordance with law, at an earliest, after providing opportunity to all the parties concerned. It is for the petitioners to place all the records to establish their case. No Costs. Consequently, connected Miscellaneous Petitions are closed.

[D.K.K.,J.]

[R.V.,J.]

27.02.2024

NCC : Yes / No

Index : Yes / No

PM

To

1.The District Collector, Trichy.

2.The Tahsildar,
Manachanallur Post and Taluk, Trichy District.

3.The Executive Officer, S.Kannanur Town Panchayat,
S.Kannanur Post, Manachanallur Taluk,
Trichy District.



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

PM

ORDER MADE IN
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