



W.P(MD)Nos.7104 to 7106 of 2018

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.7104 to 7106 of 2018
and
W.M.P(MD)Nos.6806 to 6811 of 2018**

P.Alagar ... Petitioner in W.P(MD)No.7104 of 2018
Bose @ Perumal ... Petitioner in W.P(MD)No.7105 of 2018
P.Ramasamy ... Petitioner in W.P(MD)No.7106 of 2018

vs.

1. The District Collector,
Virudhunagar District,
Virudhunagar.
2. The Tahsildar (Revenue)
Kariyapatti,
Virudhunagar District.
3. The Special Officer/
Block Development Officer(Village Panchayat),
Kariyapatti, Virudhunagar District. ... Respondents in all W.Ps.

COMMON PRAYER : Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari calling for the records relating to the impugned order, dated 30.03.2017 issued by the second respondent and consequential order passed by the third respondent dated 13.02.2018 and quash the same.



W.P(MD)Nos.7104 to 7106 of 2018

(In all W.Ps)

For Petitioner

: Mr.P.R.Prithiviraj

For Respondents

: Mr.V.Nirmal Kumar
Government Advocate

WEB COPY

COMMON ORDER

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

The petitioners have filed these writ petitions challenging the impugned eviction notice issued by the third respondent.

2. The learned counsel appearing for the petitioners would submit that the impugned notice, dated 13.02.2018, has been issued by the third respondent under Section 6 of the Tamil Nadu Land Encroachment Act, 1905(in short 'the Act'), for removal of encroachment. However, as per the Act, such a power is vested only with the Revenue Officials for initiating action under the Act and therefore, the impugned notice issued by the third respondent, is without jurisdiction and the same is liable to be quashed.

3. The learned Government Advocate has not explained before this Court that the third respondent is having jurisdiction under the provisions of the Act.



W.P(MD)Nos.7104 to 7106 of 2018

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 notice issued by the third respondent.

5. In the result, the impugned eviction notice issued by the third respondent, dated 13.02.2018, is set aside and the writ petitions are allowed. It is for the Revenue Officials to proceed further for removal of encroachment if any, in accordance with law, at an earliest, after providing opportunity to all the parties concerned. 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, Virudhunagar District,
Virudhunagar.
2. The Tahsildar (Revenue)
Kariyapatti, Virudhunagar District.
3. The Special Officer/
Block Development Officer(Village Panchayat),
Kariyapatti, Virudhunagar District.



WEB COPY



W.P(MD)Nos.7104 to 7106 of 2018

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

PM

ORDER MADE IN
W.P(MD)Nos.7104 to 7106 of 2018

DATED : 27.02.2024