



W.P(MD)No.23923 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.23923 of 2018
and
W.M.P(MD)Nos.21638 & 21639 of 2018**

Arockiam

... Petitioner

VS.

- 1.The District Collector,
Tiruchirappalli District,
Tiruchirappalli.
- 2.The Tahsildar,
Taluk Office,
Manapparai,
Tiruchirappalli District.
- 3.The Block Development Officer,
Vaiyampatti Block, Manapparai Taluk,
Tiruchirappalli District.

4.Selvi

... 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 third respondent passed in proceedings Na.Ka.B2/1899/2018, dated 26.09.2018 and quash the same.

1/5



W.P(MD)No.23923 of 2018

For Petitioner : Mr.T.M.Madasamy
For Respondent Nos.1 & 2 : Mr.J.Ashok
Additional Government Pleader
For Respondent No.3 : Mr.M.Rajarajan

ORDER

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

The petitioner has filed the present Writ Petition, to quash the impugned 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 'கருங்குளம் தீர்தம்' and therefore, the same is liable to be quashed.

3.The learned Additional Government Pleader appearing for the respondents 1 and 2 would submit 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.



W.P(MD)No.23923 of 2018

WEB COPY

4.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 classified as 'கருங்குளம் நத்தம்'. 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, after providing opportunity to all the parties concerned. Such an exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

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

[D.K.K.,J.] [R.V.,J.]
27.02.2024

NCC : Yes / No
Index : Yes / No
ps

3/5



W.P(MD)No.23923 of 2018

WEB COPY

To

- 1.The District Collector,
Tiruchirappalli District,
Tiruchirappalli.
- 2.The Tahsildar,
Taluk Office,
Manapparai,
Tiruchirappalli District.
- 3.The Block Development Officer,
Vaiyampatti Block, Manapparai Taluk,
Tiruchirappalli District.



WEB COPY



W.P(MD)No.23923 of 2018

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

ps

ORDER MADE IN
W.P(MD)No.23923 of 2018

DATED : 27.02.2024