



W.P.(MD) No.19718 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.08.2024

CORAM:

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

**W.P.(MD) No.19718 of 2024
and
W.M.P.(MD)No.16705 of 2024**

A.Kannuchamy

... Petitioner

-VS-

1.The District Collector,
Collectorate,
Virudhunagar District.

2.The Tahsildar,
Taluk Office,
Sivakasi Taluk,
Virudhunagar District.

3.The Block Development Officer,
Office of the Block Development,
Vembakottai Union,
Sivakasi Taluk,
Virudhunagar District.

4.The President,
Thayilpatti Panchyat,
Sivakasi Taluk,
Virudhunagar District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records of the impugned order passed by the third respondent herein in his proceedings in Na.Ka.No.B3/1810/2021, dated 01.08.2024, received on 10.08.2024



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pertaining to Natham S.No.358/44, 358/46 and 358/47 in total to an extent of 0.01371.0 Sq.mt., in Thayilpatti Village, Sivakasi Taluk, Virudhunagar District and quash the same as illegal.

For Petitioner : Mr.D.Nalla Thambi
For Respondents 1 & 2 : Mr.S.P.Maharajan
Special Government Pleader
for Respondents 3 & 4 : Mr.S.R.A.Ramachandran
Additional Government Pleader

ORDER

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

Mr.S.P.Maharajan, learned Special Government Pleader takes notice for the respondents 1 and 2. Mr.S.R.A.Ramachandran, learned Additional Government Pleader takes notice for the respondents 3 and 4.

2.Mr.M.Vadivel, Tahsildar, Sivakasi, is present in person. Mr.A.Prince, Block Development Officer, Vembakottai, is also present in person.

3.The eviction of encroachers on Government lands is governed by the provisions of the Land Encroachment Act, 1905. In a Panchayat area, Section 131 of the Tamil Nadu Panchayat Act, 1994, provides that the Executive Authority (the President) can require the encroacher to remove the encroachment and in the event of failure, he shall report to the revenue authorities for suitable action for eviction under the provisions of the Land Encroachments Act, 1905.



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4.The notice impugned in the Writ Petition issued by the Block Development Officer is therefore, clearly without jurisdiction, the same is quashed and the Writ Petition stands allowed.

5.The authorities will however, take action to remove all 59 encroachments listed out in the letter of the Tahsildar, Sivakasi, bearing reference Na.Ka.B1/10011/2022, dated 26.02.2024, strictly in accordance with the provisions of the Land Encroachment Act, 1905, by issuing proper notices under Section 7, consider the objections, if any that are received and thereafter, pass orders under Section 6, for removal of the encroachments. Wherever it is shown that the constructions or within the area for which patta has been granted to the individuals, the same shall not be treated as encroachments. A compliance report shall be filed on 03.10.2024. Post on 03.10.2024 '**for reporting compliance**'. No costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

21.08.2024

NCC : No

Index : No

Internet : Yes

Mrn



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To

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

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