



W.P.(MD)No.20571 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 29.08.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.20571 of 2024
and
W.M.P.(MD)Nos.17451 &17452 of 2024

K.Pillayar

... Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

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

3.The Block Development Officer,
Srivilliputhur Panchayat Union,
Srivilliputhur Town,
Virudhunagar District.

4.The Panchayat President / Executive Officer,
Pillayarkulam Panchayat,
Pillayarkulam,
Srivilliputhur Taluk,
Virudhunagar District.

... Respondents



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Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, to call for the records relating to impugned notice dated 07.06.2024 on the file of the 4th respondent herein and to quash the same, in so far as the Sl. No. 15 and 16 are concerned, as illegal and arbitrary.

For Petitioner :Mr.M.Thirunavukkarasu

For Respondents :Mr.K.Balasubramanian
Special Government Pleader
for R1 & R2
: Mr.B.Saravanan
Government Advocate for R3 & R4

ORDER

Heard both sides.

2. The petitioner challenges the impugned notice issued by the president of the local body for removing the encroachment. The fourth respondent can only call upon the petitioner to remove the encroachment. He cannot physically remove the encroachment. If the petitioner does not comply with the impugned demand, the fourth respondent can only make a requisition to the second respondent to take action under the Tamil Nadu Land Encroachment Act, 1905. The second respondent will have to issue notice under Section 7 of the Act and conduct enquiry and pass final order under Section 6 of the Act. The petitioner's rights are more than protected.



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3. With these observations, the writ petition is disposed of. No costs.

Consequently, connected miscellaneous petitions are closed.

[G.R.S., J.] [B.P., J.]
29.08.2024

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
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To

- 1.The District Collector,
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Srivilliputhur Taluk,
Virudhunagar District.
- 3.The Block Development Officer,
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Srivilliputhur Town,
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