



W.P(MD)No.24704 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 22.10.2024

CORAM

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

**W.P(MD)No.24704 of 2024
and
W.M.P(MD)No.21027 of 2024**

S.Govindasamy

... Petitioner

Vs.

- 1.The District Revenue Officer,
Pudukkottai District,
Pudukkottai – 622 001.
- 2.The Revenue Divisional Officer,
Iluppur Revenue Division,
Iluppur – 622 102,
Pudukkottai District.
- 3.The Tahsildar,
Kulathur Taluk,
Kulathur – 622 504,
Pudukkottai District.
- 4.The Block Development Officer,
Kundrandarkovil Panchayat Union,
Kulathur Taluk,
Pudukkottai District.



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5.The Village Panchayat President /
Executive Officer,
Mootampatti Panchayat,
Kundrandarkovil Block,
Kulathur Taluk,
Pudukkottai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari to call for the records pertaining to the Impugned Proceedings in Na.Ka.No.1/2024 dated 16.09.2024 issued by the fifth respondent and quash the same on the ground that the same is arbitrary, illegal and without any legal basis.

For Petitioner : Mr.D.Gurusamy

For Respondents : Mr.K.Balasubramani
Special Government Pleader

ORDER

Heard both sides.

2.The petitioner challenges the impugned communication dated 16.09.2024 issued by the fifth respondent calling upon the petitioner to remove the petition mentioned encroachment.



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3.We make it clear that even if the petitioner fails to comply with the demand, the fifth respondent on his own cannot take any coercive action against the petitioner. The fifth respondent has to necessarily refer the matter to the third respondent. The third respondent has to strictly comply with the provisions of the Tamil Nadu Land Encroachment Act, 1905. In that event, the petitioner will be given due opportunity as there has to be enquiry.

4.Keeping intact all the rights of the writ petitioner, this Writ Petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [B.P., J.]
22.10.2024

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
MGA

To

1.The District Revenue Officer,
Pudukkottai District,
Pudukkottai – 622 001.

2.The Revenue Divisional Officer,
Iluppur Revenue Division,
Iluppur – 622 102,
Pudukkottai District.



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G.R.SWAMINATHAN, J

and

B.PUGALENDHI, J.

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3.The Tahsildar,
Kulathur Taluk,
Kulathur – 622 504,
Pudukkottai District.

4.The Block Development Officer,
Kundrandarkovil Panchayat Union,
Kulathur Taluk,
Pudukkottai District.

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