



W.P.(MD).No.26641 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 17.12.2024

CORAM

**THE HONOURABLE MR.JUSTICE M.S.RAMESH
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.P.(MD).No.26641 of 2019
and
W.M.P.(MD).No.22978 of 2019

Govindaraj

... Petitioner

Vs.

1.The District Collector,
Collectorate Building,
Dindigul District.

2.The Tahsildar,
Dindigul East Taluk Office,
Dindigul.

3.The Block Development Officer,
(Village Panchayats),
Sanarpatti, Dindigul East Taluk,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorari, calling for the records pertaining to the impugned notice issued by the 3rd respondent in his proceedings in Na.Ka.No.3085/19/G3, dated 19.11.2019 and quash the same as illegal and for other reliefs.



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For Petitioner : Mr.J.Lawrance
For Respondents : Mr.S.R.A.Ramachandran
Additional Government Pleader

ORDER

(Order of the Court was made by M.S.RAMESH,J.)

This Writ Petition has been filed challenging the impugned notice issued by the third respondent dated 19.11.2019.

2. The order under challenge is a notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905. As per the said provision, the Tahsildar is the competent authority to issue such a notice, calling for explanations as to why the encroacher should not be evicted from the premises.

3. In the instant case, the Block Development Officer has issued the notice under Section 7 of the Act, who is not the competent authority to issue the same. In view of the same, the impugned order dated 19.11.2019 is set aside. Consequently, the respondents are granted liberty to take appropriate steps under the provisions of the Tamil Nadu Land Encroachment Act.



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4. Accordingly, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

(M.S.R.,J.) (A.D.M.C.,J.)
17.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm

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