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W.P.No.11250 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MRS.JUSTICE **K.GOVINDARAJAN THILAKAVADI**

W.P.No.11250 of 2025
and
W.M.P. No.12694 of 2025 in W.P.No.11250 of 2025

K.Balasubramaniam

... Petitioner

Vs.

1.The District Collector,
Erode District.

2.The Tahsildar,
Bavani Taluk, Erode District.

3.The Executive Officer (incharge)
Appakudal Panchayat,
Erode District.

4.The Block Development Officer,
Bavani Panchayat Union,
Bavani Taluk, Erode District.

... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying for the issuance of a writ of certiorari to call for records and quashed the impugned notice issued by 3rd respondent vide Na.Kaa.No.47/2025 dated 11.03.2025 which was posted on 17.03.2025 and received by petitioner on 24.03.2025.

Page Nos.1/6



WEB COPY



W.P.No.11250 of 2025

For Petitioner : Mr.S.Dayanand
For Respondents : Mr.T.K.Saravanan,
Additional Government Pleader
for R1 and R2
Mr.S.Arumugam
Government Advocate
for R3 and R4

ORDER

*[Order of the Court was made by **K.GOVINDARAJAN THILAKAVADI, J.,**]*

Captioned writ petition is filed assailing a 'notice dated 11.03.2025 issued by the third respondent vide Na.Ka.No.47204' (hereinafter 'impugned notice' for the sake of brevity).

2. The case of writ petitioner is that the petitioner is an ex-service man residing at the property in 'R.S.No.599/5, Kamaraj Nagar, Appakudal Village' (hereinafter 'said land' for the sake of brevity) and since 2011, the petitioner has made several representations to the authorities for issuance of patta in his favour. While so, on 11.03.2025, the Executive Officer of Appakudal Town Panchayat issued the impugned notice calling upon the writ petitioner to vacate the said land on or before 24.03.2025.



W.P.No.11250 of 2025

WEB COPY

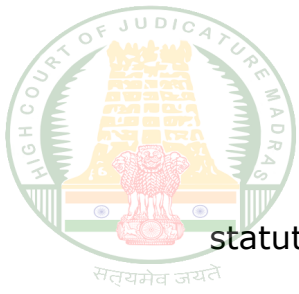
3. Mr.S.Dayanand, learned counsel for petitioner submits that without following the statutory provision contemplated under 'The Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' (hereinafter 'said 1905 Act' for the sake of brevity) and without affording any opportunity to the writ petitioner, impugned notice has been issued. Hence the writ petitioner is before this court.

4. Issue notice.

5. Mr.T.K.Saravanan, learned Additional Government Pleader accepts notice for R1 and R2 and Mr.S.Arumugam, learned Government Advocate accepts notice for R3 and R4.

6. Owing to the limited scope of writ petition, with the consent of both sides, the main writ petition is taken up at the admission stage.

7. Learned State counsel fairly conceded that impugned notice dated 11.03.2025 is not in accordance with law and hence the same will stand withdrawn and the authority concerned will issue a notice afresh following the procedure contemplated under the appropriate



W.P.No.11250 of 2025

statute. He further submits that survey would be conducted within two weeks from today and if any encroachment is found, action will be taken for removal of encroachment in accordance with law under the said 1905 Act. In view of the above stated position of the learned State counsel, the following order is passed:

7.1 The impugned notice stands withdrawn as undertaken by the learned State counsel;

7.2 A fresh show cause notice shall be issued to the writ petitioner as per the provisions under the said 1905 Act;

7.3 The writ petitioner shall respond to the above show cause notice within the stipulated time and the same shall be considered by the appropriate authority in accordance with law on its own merits before passing any final order;

7.4 Copy of the final order shall be served on the writ petitioner within a period of five working days from the date of order; and



W.P.No.11250 of 2025

WEB COPY

7.5 Coercive action if any shall be subject to the outcome of the final order to be passed by the authority concerned.

8. In view of the above mentioned direction/observation, captioned writ petition is disposed of in the aforesaid manner. Consequently, connected Writ Miscellaneous Petition is closed. There shall be no order as to costs.

(M.S.,J.) (K.G.T.,J.)
27.03.2025

Index : Yes / No
Neutral Citation : Yes/No
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To

- 1.The District Collector,
Erode District.
- 2.The Tahsildar,
Bavani Taluk, Erode District.
- 3.The Executive Officer (incharge)
Appakudal Panchayat,
Erode District.
- 4.The Block Development Officer,
Bavani Panchayat Union,
Bavani Taluk, Erode District.

Page Nos.5/6



WEB COPY



W.P.No.11250 of 2025

**M.SUNDAR, J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,**
mmi

W.P.No.11250 of 2025

27.03.2025

Page Nos.6/6