



WEB COPY



W.P.No.12697 of 2021

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.12697 of 2021
and
W.M.P. No.13491 of 2021 in W.P.No.12697 of 2021

S.Gunasekaran

... Petitioner

Vs.

1.The District Collector,
Cuddalore District, Collectorate,
Cuddalore – 607 001.

2.The Tahsildar,
Panruti Taluk – 607 106
Cuddalore District.

3.The Block Development Officer (Village Panchayat)
Annagramam Panchayat Union,
Panruti Taluk – 607 112.
Cuddalore District.

4.E.Govindasami

... Respondents

Writ Petition filed under Article 226 of The Constitution of India
praying to issue a writ of certiorari to call for the records relating to
the impugned notice issued by the 3rd respondent in No.Nil dated
09.06.2021 and to quash the same.

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For Petitioner : Mr.S.Nedunchezian
For Respondents : Mr.M.S.Arasakumar
Government Advocate
for R1 to R3
R4 – No appearance

ORDER

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

Captioned writ petition has been filed with a prayer for issuance of a writ of certiorari assailing a notice issued by third respondent dated 09.06.2021 (hereinafter 'impugned notice' for the sake of brevity).

2. It is the case of the writ petitioner that lands comprised in Survey Nos.22/25, 22/26, 22/33 and 22/36 belong to the petitioner's father and after the demise of his father, the petitioner became the absolute owner. The fourth respondent herein/adjacent land owner owns a land in R.S.No.3 and he started giving trouble to the petitioner by constructing a gate on the western side of the compound wall facing petitioner's property. The fourth respondent also filed a writ petition in W.P.No.380 of 2021 for a direction to direct official respondents to take action to remove the construction of permanent

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wall on the western side of the petitioner's property. The said writ petition was disposed of on 16.02.2021 at the admission stage, directing the Block Development Officer, Annagramam, Panruti Taluk, Cuddalore District to take action in accordance with law. Pursuant to the said direction, the third respondent herein issued impugned notice on 09.06.2021 for demolition of compound wall constructed in the petitioner's property on or before 16.06.2021, failing which, it is stated that the same will be removed by the said authority.

3. Mr.S.Nedunchezhan, learned counsel for petitioner submits that impugned notice 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 statute. The learned Additional Government Pleader fairly concedes that the impugned notice was not in accordance with law and the same will be recalled.

4. Considering the facts and circumstances of the case, we pass the following order:



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

4.2 A fresh show cause notice shall be issued to the writ petitioner under Section 131 of The Tamil Nadu Panchayats Act, 1994 by the appropriate authority and action shall be taken under the 'The Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' {hereinafter 'said 1905 Act' for the sake of brevity} by following the procedure contemplated under the said 1905 Act;

4.3 If any representation is made by the writ petitioner within a period of one week from the date of receipt of show cause notice, the same shall be considered on its own merits and in accordance with law before passing final orders;

4.4 Any decision taken by the competent authority



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shall be communicated to the petitioner within five working days from the date of said order.

4.5 Any further action will depend upon orders to be passed.

5. With the said observation and direction, captioned writ petition is disposed of. 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

(1/2)

mmi

To

1.The District Collector,
Cuddalore District, Collectorate,
Cuddalore – 607 001.

**M.SUNDAR, J.,
and**

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mmi

2.The Tahsildar,
Panruti Taluk – 607 106
Cuddalore District.

3.The Block Development Officer (Village Panchayat)
Annagramam Panchayat Union,
Panruti Taluk – 607 112.
Cuddalore District.

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