



W.P.(MD)No.3890 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 18.03.2025

CORAM:

**THE HON'BLE MRS JUSTICE J. NISHA BANU
AND
THE HON'BLE MRS JUSTICE S.SRIMATHY**

W.P.(MD)No.3890 of 2020
and
W.M.P.(MD)No.3283 of 2020

1.AL.Nagappan
2.N.Shanthi

...Petitioners

-Vs-

1.The District Collector,
Pudukkottai District,
Pudukkottai.

2.The Tahsildar,
Thirumayam Taluk,
Thirumayam,
Pudukkottai District.

3.The Block Development Officer,
(Village Panchayat),
Thirumayam Panchayat Union,
Pudukkottai District.

4.Y.R.M.Singaram

...Respondents

PRAYER:Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, to call for the records relating to the impugned order dated 06.01.2020 in proceedings in Na.Ka.Thee2/1589/2019 on the file of the third respondent and quash the same.



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For Petitioner : Mr.AN.Ramanathan
For R1 to R3 : Mr.R.Murugan
Additional Government Pleader

ORDER

(Order of the Court was made by **J.NISHA BANU, J.**)

This writ petition is filed challenging the order of the third respondent dated 06.01.2020, wherein it is alleged that the petitioners have encroached in the subject property and a direction was also issued to the petitioners to remove the said encroachment.

2.The learned counsel for the petitioners submits that the subject property was purchased by the petitioners by way of registered sale deed. They have not made any encroachment as stated by the third respondent. He further submits that the third respondent is not the competent authority to issue the order for removing encroachment.

3.The learned Additional Government Pleader appearing for the respondents 1 to 3 fairly submits that the third respondent has no jurisdiction to issue the order impugned in this writ petition.



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4.In view of the above submission, the order impugned in this writ petition, dated 06.01.2020 is set aside on the sole ground that the third respondent has no authority to issue such an order and this writ petition is allowed. It is made clear that if there is any encroachment made by the petitioner, the appropriate authority shall remove the same by following due process of law. No costs. Consequently, connected miscellaneous petition is closed.

(J.N.B.,J.) (S.S.Y.,J.)
18.03.2025

Index : Yes/No
Internet : Yes/No
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To

- 1.The District Collector,
Pudukkottai District,
Pudukkottai.
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Thirumayam Taluk,
Thirumayam,
Pudukkottai District.
- 3.The Block Development Officer,
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