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W.P.(MD)NO.21661 OF 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.03.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.21661 of 2018 and

W.M.P.(MD)No.19564 of 2018

Anbaiah

... Petitioner

Vs.

1. The District Collector,
Tirunelveli District,
Tirunelveli.
2. The Tahsildar,
Radhapuram Taluk,
Tirunelveli District.
3. The Block Development Officer,
Radhapuram Block,
Tirunelveli District.
4. The Inspector of Police,
Koodankulam police station,
Tirunelveli District.
5. The Assistant Engineer,
Tamil Nadu Electricity Board,
Koodankulam,
Tirunelveli District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus,



calling for the records pertaining to the impugned order passed by the 3rd respondent vide his proceedings in A2/2819/2017 dated 24.09.2018 and quash the same and consequently directed the 1st and 2nd Respondents to issue patta to the petitioner's house property situated in Survey No.334/1A, Koodankulam Village, Tirunelveli District within a stipulated period as fixed by this Court.

For Petitioner : Mr.S.M.Anantha Murugan
For R-1 to R-4 : Ms.P.B.Ahamed Yasmin Parvin,
Government Advocate.
For R-5 : Mr.S.Deenadhayan,
Standing counsel.

* * *

ORDER

Heard both sides.

2. The petitioner challenges the impugned proceedings dated 24.09.2018 issued by the Block Development Officer, Radhapuram Block.

3. We have to clarify that since the petitioner has not complied with the impugned demand, it is open to the third respondent to move the second respondent to take action under the provisions of the Tamil Nadu Land Encroachment Act. The second respondent has to issue notice under Section 7 of the Act to the petitioner, seek the petitioner's response and only thereafter pass final orders, if



necessary, under Section 6 of the Act. All the defences of the petitioner are left open. The Block Development Officer, on his own, cannot dispossess the petitioner.

4. With the aforesaid observation, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.SWAMINATHAN, J.) & (B.PUGALENDHI, J.)
06th March 2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PMU

To:

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Tirunelveli District, Tirunelveli.
2. The Tahsildar,
Radhapuram Taluk, Tirunelveli District.
3. The Block Development Officer,
Radhapuram Block, Tirunelveli District.
4. The Inspector of Police,
Koodankulam police station, Tirunelveli District.



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