



W.P.(MD)No.23822 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 24.03.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.23822 of 2018
and
W.M.P.(MD)Nos.21576 & 21577 of 2018

Muniyasamy

... Petitioner

Vs.

**1.The District Collector,
Theni District,
Theni.**

**2.The Block Development Officer (Village Panchayat),
Office of the Panchayat Union,
Theni District.**

3.R.Gurudevan

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, to call for the records of the second respondent in Na.Ka.No. 998/2018/B1, dated 15.11.2018 and quash the same as illegal and arbitrary.

For Petitioner :Mr.PR.Boomee Rajan

**For Respondents :Mr.S.R.A.Ramachandran
Additional Government Pleader
for R1 & R2**



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ORDER

WEB COPY Heard both sides.

2. According to the third respondent, the petitioner herein has committed encroachment. The third respondent had already filed W.P.(MD)No. 2595 of 2018 and obtained direction. Pursuant to the direction, the jurisdictional BDO had issued the impugned notice dated 15.11.2018. The BDO had informed the petitioner that if the encroachment is not removed, it would be removed by them by taking the aid of the local police. The BDO cannot physically cause removal of any encroachment. He can only issue notice to the encroacher. If the encroacher fails to comply with the demand set out in the notice, the BDO has to inform the jurisdictional Tahsildar to have the encroachment removed as per the provisions of the Tamil Nadu Land Encroachment Act, 1905. It is open to the second respondent to take such action. The impugned notice is quashed. The writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

[G.R.S., J.] [B.P., J.]
24.03.2025

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
rmi



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To

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Theni District,
Theni.
- 2.The Block Development Officer (Village Panchayat),
Office of the Panchayat Union,
Theni District.



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G.R.SWAMINATHAN, J

and

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