



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.09.2023

CORAM :

**THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HON'BLE MR.JUSTICE B.PUGALENDHI**

**WP(MD) No.23417 of 2023
and
WMP(MD)No.19632 of 2023**

R.Vayakattusamy

... Petitioner

vs.

- 1.The Tahsildar,
Taluk Office, Vadipatti,
Madurai District.
- 2.The Block Development Officer,
Vadipatti Panchayat Union,
Vadipatti, Madurai District.
- 3.The Panchayat President,
Melakkal Village Panchayat,
Melakkal, Madurai District.
- 4.The Village Administrative Officer,
Melakkal Village, Madurai District.

... Respondents



Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned notice under Tamil Nadu Village Panchayats Act, 1994 u/s.131, 134(4), 222 and 242 (2-xxxv & xxxvi) dated 12.09.2023 issued by the third respondent and quash the same.

For Petitioner	: Mr.K.Kevinkaran
For Respondents	: Mr.K.Balasubramani Special Government Pleader

ORDER

The third respondent had issued the impugned notice under Section 131 of the Tamil Nadu Panchayats Act, 1991 directing the writ petitioner to clear the encroachments in Survey Number No.711/5.

2.The learned counsel for the petitioner draws our attention to the report of the Village Administrative Officer, Melakkal group indicating that in Survey No.711/5, Karuvella trees have grown. The petitioner makes it clear that he has no claim on Survey No.711/5. He also states that he is not responsible for the growing up of the trees.



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3.In these circumstances, we direct the respondents to clear the encroachments in Survey No.711/5 on their own. The petitioner will not be fastened with any liability. This writ petition is disposed of. Connected miscellaneous petition is closed.

(G.R.S, J.) & (B.P, J.)
29.09.2023

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To

- 1.The Tahsildar,
Taluk Office, Vadipatti,
Madurai District.
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Vadipatti Panchayat Union,
Vadipatti, Madurai District.
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G.R.SWAMINATHAN, J.
and
B.PUGALENDHI, J.

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