



WEB COPY

W.P(MD)No.4698 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

and

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P (MD)No.4698 of 2022

and

W.M.P. (MD)No.3929 of 2022

Chinnathambi

...Petitioner

-Vs-

1.The District Collector,
Dindigul District.

2.The Block Development Officer,
Natham, Dindigul District.

3.The Tahsildar,
Natham Taluk, Natham,
Dindigul District.

4.The President,
Chendurai Village Panchayat,
Natham Taluk, Dindigul District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned notice issued by the 4th respondent vide his proceedings in Na.Ka.01/2022/Qs.201.1. Dated 04.03.2022 and consequently, direct the respondents to drop the proceedings by considering the petitioner's explanation dated 09.03.2022.

For Petitioner	: Mr.K.P.Narayanakumar
For R1 and R3	: Mr.S.R.A.Ramachandran, Additional Government Pleader.
For R2 and R4	: Mr.J.Ashok, Additional Government Pleader.

ORDER

R.SUBRAMANIAN, J.

AND

N.SATHISH KUMAR, J.

The challenge is made to the notice issued under Section 131 (2) of Tamil Nadu Panchayats Act, 1994, (hereinafter referred to as 'the Act') seeking removal of encroachment.

<https://hcservices.ecourts.gov.in/hcservices/>



2.Mr.K.P.Narayanakumar, learned counsel appearing for the petitioner would vehemently contend that there is no encroachment at all and therefore, the notice issued under Section 131(2) of the Act is misconceived.

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3.A reading of Section 131(2) of the Act would show that the panchayat is not possessed of the powers to remove the encroachment. The panchayat can only call upon the alleged encroacher to remove the encroachment. If the encroacher fails to do so, it can require the revenue department to initiate the proceedings under the Tamil Nadu Land Encroachment Act, 1905 and the powers are vested with the Tahsildar to remove the encroachment under the Tamil Nadu Land Encroachment Act, 1905.

4.Therefore, we do not see any reason to entertain the Writ Petition, as we feel that the Writ Petition is premature. The Executive Authority of the panchayat is given power only to initiate proceedings to secure removal and if it is unable to secure the removal within such period, it is only for the revenue department to remove the encroachment under the Tamil Nadu Land Encroachment Act, 1905.

5.In such view of the matter, leaving it open to the authorities to initiate appropriate proceedings to remove the alleged encroachment, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Myr

To

1.The District Collector,
Dindigul District.

2.The Block Development Officer,
Natham, Dindigul District.

3.The Tahsildar,
Natham Taluk, Natham, Dindigul District.

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4.The President,
Chendurai Village Panchayat,
Natham Taluk, Dindigul District.

+1 CC to M/s.K.P.NARAYANAKUMAR, Advocate (SR-13104[F] dated
18/03/2022)

+1 CC to M/s.SPL GP (SR-13011[F] dated 18/03/2022)

W.P (MD) No. 4698 of 2022
17.03.2022

_RD(30.03.2022) 3P 7C